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1928



PROCEEDINGS OF THE MADRAS LEGISLATIVE COUNCIL

SECOND SESSION OF THE THIRD LEGISLATIVE COUNCIL

Volume XLII (Nos. 1 to 4).

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வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS

PERSONNEL OF THE GOVERNMENT OF MADRAS.

Governor of Madras.

His Excellency the Rt. Hon. *Viscount GOSCHEN OF HAWKHURST*, *3.C.I.F.*.
C.B.E. Took his seat on 14th April 1924.

Members of the Executive Council.

1. The hon. Sir *NORMAN MARJORIBANKS*, *K.C.I.E.*, *C.S.I.*, *I.C.S.*, Member in charge of Revenue. Took his seat on 27th December 1924 and is in charge of the following portfolios :--

1.—Provincial Subjects.

- | | |
|--|---|
| 1. Land Revenue administration as described under the following heads, namely :— | 4. Economic condition including wages and prices and famine-relief. |
| (a) Assessment and collection of land revenue | 5. Land acquisition, excepting notifications under sub-section (1) of section 4 and declarations under sub-section (1) of section 6 of the Land Acquisition Act, 1894, where the public purpose referred to in the said sub-sections appertains to a transferred subject. |
| (b) Maintenance of land records; survey for revenue purposes; records of rights. | 6. Development of mineral resources |
| (c) Laws regarding land tenures; relations of landlords and tenants; collection of rents. | 7. Protection of wild birds and animals. |
| (d) Court of Wards, encumbered and attached estates. | 8. Agency tracts. |
| (e) Land improvement and agricultural loans. | 9. Pounds and prevention of cattle trespass |
| (f) Colonization and disposal of crown lands. | 10. Elections for Indian and Provincial legislatures. |
| (g) Management of Government estates. | 11. Fortnightly reports and preliminary special reports to the Government of India. |
| (h) Panchayat forests. | 12. General service questions. |
| 2. Water-supplies, irrigation and canals, drainage and embankments; water storage and water power. | 13. Provincial Gazetteers. |
| 3. Inland waterways including shipping and navigation thereon. | 14. Office procedure. |
| | 15. Secretariat. |
| | 16. Yeomias, inams and hereditary pensions. |
| | 17. Matters of a general nature not allocated elsewhere. |

II.—Central Subjects.

- | | |
|--------------------------|--|
| 1. Geological survey. | 8. All-India services. |
| 2. Mineral development. | 9. Territorial changes. |
| 3. Botanical survey. | 10. Immovable property in possession of the Governor-General in Council. |
| 4. Survey of India. | 11. Public Services Commission. |
| 5. Zoological survey. | 12. Reforms. |
| 6. Meteorology. | |
| 7. Census and Statistics | |

2. The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur. Home Member. Took his seat on the 30th March 1925 and is in charge of the following portfolios :—

I.—Provincial Subjects.

- | | |
|--|--|
| 1. Police, including Railway Police and C.I.D. | 12. Government Houses; Staff and equipment of His Excellency the Governor. |
| 2. Regulation of betting and gambling. | |
| 3. Prevention of cruelty to animals. | 13. Stationery and Government Presses. |
| 4. Control of poisons. | |
| 5. Control of vehicles. | 14. Industrial matters included under the following heads :— |
| 6. Control of dramatic performances and cinematographs. | (a) Factories. |
| 7. Control of newspapers, books and printing presses. | (b) Settlement of labour disputes. |
| 8. Laccadives | (c) Boilers. |
| 9. European vagrancy. | (d) Gas. |
| 10. European and Anglo-Indian education. | (e) Smoke nuisances. |
| 11. Regulation of medical and other professional qualifications and standards. | (f) Welfare of labour including depressed classes. |
| | 15. Criminal tribes. |

II.—Central Subjects.

- | | |
|---|--------------------------------|
| 1. Control of petroleum and explosives. | 3. Arms and ammunition. |
| 2. Central police organization. | 4. Emigration and immigration. |
| | 5. Pilgrimage to the Hedjaz. |

3. The hon. Mr. T. K. MOIR, C.S.I., C.I.E., I.C.S., Finance Member. Took his seat on 27th April 1925 and is in charge of the following portfolios :—

I.—Provincial Subjects.

- | | |
|------------------------|---|
| 1. Provincial finance. | 4. Preservation and translation of ancient manuscripts. |
| 2. Pensions. | 5. Central Record office. |
| 3. Local Fund audit. | |

II.—Central Subjects.

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. (a) Defence of India. (b) Naval and Military works and cantonments. 2. External relations, including naturalization and aliens and pilgrimage beyond India except to the Hedjaz. 3. Relations with States in India. 4. Political charges. 5. Communications. 6. Shipping and navigation. 7. Lighthouses. 8. Port quarantine and marine hospitals. 9. Posts and telegraphs and telephones, including wireless installations. | <ol style="list-style-type: none"> 10. Sources of all-India revenues 11. Currency and coinage. 12. Public debt of India. 13. Savings banks. 14. Indian Audit Department. 15. Commerce, including banks and insurance. 16. Trading companies and other associations. 17. Opium (central questions regarding—). 18. Central research. 19. Ecclesiastical. 20. Archæology. 21. Regulation of ceremonies, titles, order of precedence and civil uniform. 22. Subjects not allocated elsewhere. |
|---|---|

4. The hon Mr. A. Y. G. CAMPBELL, C.S.I., C.I.E., C.B.E., V.D., I.C.S., Law Member. Took his seat on 13th March 1928 and is in charge of the following portfolios:—

I.—Provincial Subjects.

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Administration of justice, including constitution, powers, maintenance and organization of courts of civil and criminal jurisdiction within the province. 2. Provincial law reports. 3. Administrator-General and Official Trustees. 4. Escheats. 5. Coroners. | <ol style="list-style-type: none"> 6. Treasure trove. 7. Non-judicial and judicial stamps. 8. Prisons and prisoners. 9. Industrial matters included under the following head: Electricity, including hydro-electric schemes 10. Forests (including cinchona) except panchayat forests. 11. Minor ports. |
|---|---|

II.—Central Subjects.

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. Civil law. 2. Inventions and designs. 3. Copyright. | <ol style="list-style-type: none"> 4. Criminal law. 5. Major ports. |
|--|---|

Ministers.

1. The hon. Dr. P. SUBBARAYAN. Took his seat on 4th December 1926 and is in charge of the following portfolios :—

- | | |
|---|--|
| (1) Education (other than European and Anglo-Indian education). | (3) Light and feeder Railways and Tramways within municipal areas. |
| (2) Libraries, Museums and Zoological Gardens. | (4) Local Self-Government including village panchayats. |
| | (5) Religious and Charitable Endowments. |

2. The hon. Mr. S. MUTHIAH MUDALIYAR. Took his seat on 16th March 1928 and is in charge of the following portfolios :—

- | | |
|--|--|
| (1) Adulteration of foodstuffs and other articles. | (5) Pilgrimages within British India. |
| (2) Excise. | (6) Public health and sanitation and vital statistics. |
| (3) Registration. | (7) Weights and measures. |
| (4) Medical administration. | |

3. The hon. Mr. M. R. SETURATNAM AYYAR. Took his seat on 16th March 1928 and is in charge of the following portfolios :—

- | | |
|----------------------------------|---|
| (1) Agriculture. | (4) Development of industries. |
| (2) Civil Veterinary Department. | (5) Public Works (buildings, roads, ferries, ropeways, etc.). |
| (3) Co-operative societies. | (6) Fisheries |

வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS

PRINCIPAL OFFICERS OF THE MADRAS LEGISLATIVE COUNCIL.

President.

The hon. Rao Bahadur C. V. S. NARASIMHA RAJU Garu, B.A., B.L.

Deputy President.

Dr. (Mrs.) S. MUTHULAKSHMI REDDI.

Panel of Chairmen.

Mr. MAHMUD SCHAMNAD.

Rao Bahadur B. MUNISWAMI NAYUDU.

Mr. C. V. VENKATARAMANA AYYANGAR.

Secretary to the Council.

M.R.Ry. Rao Bahadur R. V. KRISHNA AYYAR Avargal, B.A., M.L.

Assistant Secretary to the Council.

M.R.Ry. C. SATAGOPIA ACHARIYAR Avargal, B.A.

வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS

ALPHABETICAL LIST OF MEMBERS OF THE MADRAS LEGISLATIVE COUNCIL.

Name of member.	Name and class of constituency.
1. Abbas Ali Khan Bahadur, Bar-at-Law.	Madura and Trichinopoly <i>cum</i> Srirangam, Muhammadan Urban.
2. Abdul Hamid Khan Sahib Bahadur.	Madras City, Muhammadan Urban.
3. Abdul Hye Sahib Bahadur, K.	Ceded Districts, Muhammadan Rural.
4. Abdul Razack Sahib Bahadur, Khan Bahadur S. K.	North Arcot <i>cum</i> Chingleput, Muhammadan Rural.
5. Abdul Wahab Sahib Bahadur, Munshi.	Northern Circars, Muhammadan Rural.
6. Adinarayana Chettiyar, Bar-at-Law, T.	North Arcot, N.-M. Rural.
7. Anantakrishna Ayyar, Rao Bahadur, C. V.	NOMINATED.
8. Anjaneyulu, P.	Guntur, N.-M. Rural.
9. Appavu Chettiyar, C. D. ...	Salem, N.-M. Rural.
10. Ari Gowder, H. B.	The Nilgiris, N.-M. Rural.
11. Arogyaswami Mudaliyar, Diwan Bahadur R. N.	Central Districts (Indian Christian).
12. Arpudaswami Udayar, S. ...	Tanjore and Trichinopoly <i>cum</i> Madura (Christian).
13. Basheer Ahmad Sayeed Sahib Bahadur.	Central Districts, Muhammadan Rural.
14. Bhaktavatsulu Nayudu, P. ...	Madras City, N.-M. Urban.
15. Bhanoji Rao, A. V.	Vizagapatam City, N.-M. Urban.
16. Bheemayya, J.	NOMINATED.
17. Biswanath Das Mahasayo, Sriman.	Ganjam, N.-M. Rural.
18. Boag, C.I.E., I.C.S., G. T. ...	NOMINATED.
19. Campbell, c.s.i., c.i.e., I.C.S., The hon. Mr. A. Y. G.	EX OFFICIO.
20. Chidambaranatha Mudaliyar, T. K.	Tinnevely, N.-M. Rural.
21. Congreve, C. R. T.	Madras Planters—Planting.
22. Cotterell, c.i.e., I.C.S., C. B. ...	NOMINATED.
23. Davis, J. A.	Anglo-Indian.
24. Dorai Raja, Rajkumar S. N. ...	NOMINATED.
25. Ellappa Chettiyar, Rao Bahadur S.	Salem, N.-M. Rural.
26. Ethirajulu Nayudu, Diwan Bahadur P. C.	Guntur, N.-M. Rural.
27. Evans, c.s.i., I.C.S., F. B. ...	NOMINATED.
28. Foulkes, R.	NOMINATED.
29. Gangadhar Siva, M. V.	NOMINATED.
30. Gnauvaram Pillai, P. J. ...	NOMINATED.
31. Gopala Menon, C.	Southern India Chamber of Commerce.
32. Govindaraja Mudaliyar, C. S. ...	Madras City, N.-M. Urban.
33. Guruswami, Rao Sahib L. C. ...	NOMINATED.
34. Hampayya, Rai Sahib M. ...	NOMINATED.

Name of member.	Name and class of constituency.
35. Harisarvottama Rao, G. ...	Kurnool, N.-M. Rural.
36. John, V. Ch.	Northern Districts (Indian Christian).
37. Kaleswara Rao, A.	Kistna, N.-M. Rural.
38. Kameswara Rao Nayudu, V. ...	Ganjam, N.-M. Rural.
39. Karant, K. R.	South Kanara, N.-M. Rural.
40. Kay, Kenneth	Madras Chamber of Commerce.
41. Kesava Pillai, C.I.E., Diwan Bahadur P.	Anantapur, N.-M. Rural.
42. Khadir Mohidin Sahib Bahadur, Muhammad.	East Coast, Muhammadan Rural.
43. Koti Reddi, Bar.-at-Law, K. ...	Cuddapah, N.-M. Rural.
44. Krishnan, K.	NOMINATED.
45. Krishnan Nayar, Diwan Bahadur M.	Malabar, N.-M. Rural.
46. Krishnaswami Nayakar, K. V.	Chingleput, N.-M. Rural.
47. Kumara Raja of Venkatagiri (Raja Velugoti Sarvagya Kumara Krishnayachendra Bahadur Varu).	Nellore, N.-M. Rural.
48. Kumaraswami Reddiyar, Diwan Bahadur S.	Tinnevely, N.-M. Rural.
49. Kuppuswami, J.	Guntur, N.-M. Rural.
50. Luker, A. T.	Madras Trades Association.
51. Madhavan Nayar, K.	Malabar, N.-M. Rural.
52. Mahmud Sehamnad Sabib Bahadur (Chairman).	South Kanara, Muhammadan Rural.
53. Mallayya, B. S.	Madras City, N.-M. Urban.
54. Manikkavelu Nayakar, M. A. ...	North Arcot, N.-M. Rural.
55. Marjoribanks, K.C.I.E., C.S.I., I.C.S., The hon. Sir Norman.	EX OFFICIO.
56. Marudavanam Pillai, C.	Tanjore, N.-M. Rural.
57. Meera Ravuttar Bahadur, K. P. V. S. Muhammad.	Madura cum Trichinopoly, Muhammadan Rural.
58. Moidoo Sahib Bahadur, T. M.	Malabar, Muhammadan Rural.
59. Moir, C.S.I., C.I.E., I.C.S., The hon. Mr. T. E.	EX OFFICIO.
60. Muniswami Nayudu, Rao Bahadur B. (Chairman).	Chittoor, N.-M. Rural.
61. Muniswami Pillai, V. I. ...	NOMINATED.
62. Muppil Nayar of Kavalappara alias Kumaran Raman.	West Coast Landholders.
63. Murugappa Chettiyar, Diwan Bahadur A. M. M.	Ramnad, N.-M. Rural.
64. Muthiah Mudaliyar, The hon. Mr. S. (Minister).	Tanjore, N.-M. Rural.
65. Muthulakshmi Reddi, Dr. (Mrs.) (Deputy President).	NOMINATED.
66. Muthuranga Mudaliyar, C. N.	Chingleput, N.-M. Rural.
67. Nagan Gowda, R.	NOMINATED.
68. Nanjappah Bahadur, Subadar Major S. A.	NOMINATED.

Name of member.	Name and class of constituency.
69. Narasimha Raju, The hon. Rao Bahadur C. V. S. (<i>President</i>).	Vizagapatam, N.-M. Rural.
70. Narayana Raju, D.	Godavari West, N.-M. Rural.
71. Narayana Rao, Mothay	Godavari West, N.-M. Rural.
72. Narayanan Chettiyar, Al. Ar. ...	Nattukkottai Nagarathars' Association.
73. Narayanan Nambudiripad, Rao Bahadur O. M.	NOMINATED.
74. Narayanaswami Pillai, T. M. ...	Trichinopoly, N.-M. Rural.
75. Obi Reddi, C.	Anantapur, N.-M. Rural.
76. Parasurama Rao Pantulu, A. ...	Cuddapah, N.-M. Rural.
77. Parthasarathi Ayyangar, C. R.	Chittoor, N.-M. Rural.
78. Patro, <i>Kt.</i> , Rao Bahadur Sir A. P.	Ganjam, N.-M. Rural.
79. Premayya, G. R.	NOMINATED.
80. Raja of Jeypore (Maharaja Sri Ramachandra Deo).	NOMINATED.
81. Raja of Panagal, K.C.I.E. (Sir P. Ramarayaningar).	North Central Landholders.
82. Raja of Ramnad (Bhaskara Rajarajeswara Setupathi <i>alias</i> Muthuramalinga Setupathi).	Southern Landholders.
83. Rajan, P. T.	Madura, N.-M. Rural.
84. Ramachandra Padayachi, K. ...	South Arcot, N.-M. Rural.
85. Ramachandra Reddi, B.	Nellore, N.-M. Rural.
86. Ramanath Goenka	NOMINATED.
87. Ramasomayajulu, C.	Cocanada City, N.-M. Urban.
88. Ramaswami Ayyar, U.	Trichinopoly <i>cum</i> Srirangam, N.-M. Urban.
89. Ramjee Rao, V.	NOMINATED.
90. Ranganatha Mudaliyar, A. ...	Bellary, N.-M. Rural.
91. Ratnasabhapatil Mudaliyar, Rao Bahadur O. S.	Coimbatore, N.-M. Rural.
92. Sahajanandam, Swami A. S. ...	NOMINATED.
93. Saldanha, J. A.	West Coast, Indian Christian.
94. Sami Venkatachalam Chetti ...	Madras City, N.-M. Urban.
95. Sarabha Reddi, K.	Kurnool, N.-M. Rural.
96. Satyamurti, S.	Madras University.
97. Seturatnam Ayyar, The hon. Mr. M. R. (<i>Minister</i>).	Trichinopoly, N.-M. Rural.
98. Shetty, A. B.	South Kanara, N.-M. Rural.
99. Simpson, Sir James, <i>Kt.</i>	Madras Chamber of Commerce.
100. Sitarama Reddi, Rao Bahadur K.	South Arcot, N.-M. Rural.
101. Siva Raj, B.A., B.L., N.	NOMINATED.
102. Siva Rao, P.	Bellary, N.-M. Rural.
103. Sivasubrahmanya Ayyar, K. S.	Tanjore, N.-M. Rural.
104. Slater, C.M.G., C.I.E., I.C.S., S. H.	NOMINATED.
105. Soundarapandia Nadar, W. P. A.	NOMINATED.

Name of member.

Name and class of constituency.

106	Srinivasa Ayyangar, R. ...	South Arcot, N.-M. Rural.
107.	Srinivasa Ayyangar, T. C. ...	Ramnad, N.-M. Rural.
108.	Srinivasan, Rao Sahib R. ...	NOMINATED.
109.	Subbarayan, The hon. Dr. P. (Zamindar of Kumara- mangalam) (Minister).	South Central Landholders.
110.	Subrahmanya Moopanar, S. ...	NOMINATED.
111.	Subrahmanya Pillai, Chavadi K.	Tinnevelly cum Palamcottah, N.-M. Urban.
112.	Swami, Bar.-at-Law, K. V. R.	East Godavari, N.-M. Rural.
113.	Syed Ibrahim Sahib Bahadur, Nattam Dubash Kadir Sahib.	Ramnad cum Tinnevelly, Muham- madan Rural.
114.	Tajudin Sahib Bahadur, Syed ...	Tanjore, Muhammadan Rural.
115.	Tampoe, I.C.S., A. McG. C. ...	NOMINATED.
116.	Thomas, Daniel ...	Ramnad cum Tinnevelly, Indian Christian.
117.	Tulasiram, L. K. ...	Madura City, N.-M. Urban.
118.	Uppi Sahib Bahadur, K. ...	Malabar, Muhammadan.
119.	Usman Sahib Bahadur, The hon. Khan Bahadur Muhammad.	EX OFFICIO.
120.	Vanavudaiya Goundar, S. V. ...	Coimbatore, N.-M. Rural.
121.	Venkatapati Raju, P. C. ...	Vizagapatam, N.-M. Rural.
122.	Venkatarama Ayyar, K. R. ...	Madura, N.-M. Rural.
123.	Venkataramana Ayyangar, C. V. (Chairman).	Coimbatore, N.-M. Rural.
124.	Venkatarangam Nayudu, C. ...	North Arcot, N.-M. Rural.
125.	Venkataratnam, B. ...	East Godavari, N.-M. Rural.
126.	Venkiah, S. ...	NOMINATED.
127.	Watson, I.C.S., H. A. ...	NOMINATED.
128.	Wright, W. O. ...	European.
129.	Zamindar of Gollapalli (Sriman- narayana Appa Rao Bahadur Garu, Meka).	Northern Landholders, II.
130.	Zamindar of Kallikota (Sri Ramachandra Mardaraja Deo).	Northern Landholders, I.
131.	Zamindar of Mirzapuram (Mirza- puram Raja Garu alias Venkataramayya Appa Rao Bahadur Garu).	Kistna, N.-M. Rural.
132.	Zamindar of Seithur (Vadamalai Tiruvanatha Sevuga Paudiya Tevan Avargal).	Madura, N.-M. Rural.

SPECIAL MEMBERS.

133.	Meston, Rev. Dr. W. ...	NOMINATED for Bills to amend the Madras University Act.
134.	Ramalinga Reddi, C. ...	NOMINATED for Bills to amend the Andhra University Act.
135.	Smith, W. E. ...	NOMINATED for Bill to amend the Madras University Act.

PROCEEDINGS OF THE MADRAS LEGISLATIVE COUNCIL.

OFFICIAL REPORT.

Second Session of the Third Legislative Council under the Government of India Act, 1919.

VOLUME XLII.

Tuesday, the 27th March 1928.

The House met at 11 o'clock, the President (the hon. Rao Bahadur C. V. S. NARASIMHA RAJU Garu) in the Chair.

PRESENT:

- | | |
|---|--|
| Marjoribanks, K.C.I.E., C.S.I., I.C.S., The hon. Sir Norman. | Mallayya, Dr. B. S. |
| Usman Sahib Bahadur, The hon. Khan Bahadur Muhammad. | Manikkavelu Niyakar, Mr. M. A. |
| Moir, C.S.I., C.I.E., I.C.S., The hon. Mr. T. E. | Moidoo Sahib Bahadur, T. M. |
| Campbell, C.S.I., C.I.E., C.B.E., I.C.S., The hon. Mr. A. Y. G. | Muniswami Nayudu, Rao Bahadur B. |
| Subbarayan, The hon. Dr. P. | Muniswami Pillai, Mr. V. I. |
| Muthiah Mudaliyar, The hon. Mr. S. | Muppil Nayar of Kavalappara alias Kumaran Raman, Mr. |
| Seturatnam Ayyar, The hon. Mr. M. R. | Muthalakshmi Reddi, Dr. (Mrs.) |
| Abbas Ali Khan Bahadur | Nagan Gowda, Mr. R. |
| Abdul Razack Sahib Bahadur, Khan Bahadur S. K. | Nanjappa Bahadur, Subadar-Major S. A. |
| Adinarayana Chettiyar, Mr. T. | Narayana Raja, Mr. D. |
| Anantakrishna Ayyar, Rao Bahadur C. V. | Narayanan Numbudripai, Rao Bahadur O. M. |
| Anjaneyulu, Mr. P. | Narayanaswami Pillai, Mr. T. M. |
| Appavu Chettiyar, Mr. C. D. | Patro, Kt., Rao Bahadur Sir A. P. |
| Ari Gowder, Mr. H. B. | Premayya, Mr. G. R. |
| Arogyaswami Mudaliyar, Diwan Bahadur R. N. | Raja of Panagal, K.C.I.E. |
| Arpudaswami Udayar, Mr. S. | Raja of Ramnad. |
| Bheemayya, Mr. J. | Ramachandra Padayachi, Mr. K. |
| Boag, C.I.E., I.C.S., Mr. G. T. | Ramachandra Reddi, Mr. B. |
| Chidambaranatha Mudaliyar, Mr. T. K. | Ramalinga Reddi, Mr. C. |
| Congreve, Mr. C. R. T. | Raojee Rao, Mr. V. |
| Cotterell, C.I.E., I.C.S., Mr. C. B. | Ranganatha Mudaliyar, Mr. A. |
| Ellappa Chettiyar, Rao Bahadur S. | Ratnasabhapathi Mudaliyar, Rao Bahadur C. S. |
| Ethirajula Nayudu, Diwan Bahadur P. C. | Sahajanaadam, Swami A. S. |
| Evans, C.S.I., I.C.S., Mr. F. B. | Saldanha, Mr. J. A. |
| Foulkes, Mr. R. | Sarabha Reddi, Mr. K. |
| Gangadhara Siva, Mr. M. V. | Shetty, Mr. A. B. |
| Gnanavaram Pillai, Mr. P. J. | Simpson, Kt., Sir James. |
| Gopala Menon, Mr. C. | Sitarama Reddi, Rao Bahadur K. |
| Govindaraja Mudaliyar, Mr. C. S. | Siva Raj, Mr. N. |
| Guruswami, Rao Sahib L. C. | Slater, C.I.E., I.C.S., Mr. S. H. |
| Hamid Khan Sahib Bahadur, Abdul. | Soundarapandiya Nadar, Mr. W. P. A. |
| John, Mr. V. Ch. | Srinivasan, Rao Sahib R. |
| Karant, Mr. K. R. | Syed Ibrahim Sahib Bahadur, Nattam Dubash Kadir Sahib. |
| Kay, Mr. Kenneth. | Tajudin Sahib Bahadur, Syed. |
| Kesava Pillai, C.I.E., Diwan Bahadur P. | Tampoe, I.C.S., Mr. A. McG. C. |
| Koti Reddi, Mr. K. | Tulasiram, Mr. L. K. |
| Krishnan Nayar, Diwan Bahadur M. | Venkataramana Ayyangar, Mr. C. V. |
| Krishnaswami Nayakar, Mr. K. V. | Venkiah, Mr. S. |
| Kumara Raja of Venkatagiri. | Watson, I.C.S., Mr. H. A. |
| Luker, Mr. A. T. | Zamindar of Gollapalli. |
| Mahmud Schamnad Sahib Bahadur. | Zamindar of Kallikota. |
| | Zamindar of Seithur. |

27th March 1928]

I

QUESTIONS AND ANSWERS

STARRED QUESTIONS

Local Boards

*Alleged issue of free passes to travel in buses by the President,
Chingleput District Board.*

* 1789 Q.—Mr. RAMANATH GOENKA: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether the President of the Chingleput District Board issued passes to some of the servants of the District Board so as to enable them to travel in the buses plying for hire without paying the fare;

(b) whether it is a fact that the President issued notices to the licensees, threatening cancellation of licences for buses, if they refused to carry the District Board servants free of fare; and if so in how many cases;

(c) whether it is a fact that in some cases the President insisted on the bus owners refunding the fares collected from the District Board servants; and if so in how many cases; and

(d) under what provision the servants of the District Board are entitled to travel in buses free of fares, and under what authority the President issued exemption passes to them?

A.—(a) & (d) Yes. The President states that a friendly requisition was made to allow some of the Taluk and District Board peons free of charge in cases of emergency and that it was left to the option of the bus owners to collect the fares or not. He reports that in many cases fares were collected from the peons.

(b) No.

(c) No.

Opening of branch toll-gates in Tiruvallur and Saidapet taluks.

* 1790 Q.—Mr. RAMANATH GOENKA: Will the hon. the Minister for Education and Local Self-Government be pleased to state whether it is a fact that the Chingleput District Board under the leadership of its President, has opened one branch toll-gate in the Tiruvallur taluk and another in the Saidapet taluk after the contractor has taken out the lease in public auction?

A.—Yes.

Interference of the President, Chingleput District Board, in taluk board elections.

* 1791 Q.—Mr. RAMANATH GOENKA: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether the Government is aware and have received complaints that the President of the Chingleput District Board is unduly interfering in the taluk board elections and is abusing his influence as the President; and

(b) if answer to (a) is in the affirmative what action the Government propose to take in the matter?

A.—(a) & (b) No such complaint has been received.

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Medical

Admission of private patients into the General Hospital.

* 1792 Q.—MR. A. B. SHETTY: Will the hon. the Minister for Public Health be pleased to state—

(a) whether it is a fact that the physicians and surgeons of the General Hospital issue instructions to their assistants or the assistants on duty at the General Hospital to admit their private patients in the wards assigned to them;

(b) whether instructions are also given to admit a private patient of a particular Medical Officer in the ward belonging to that officer though that day happens to be the admission day of some other officer; and

(c) whether the Medical officers in the General Hospital are allowed the use of instruments and any other appliances for their private patients outside the hospital and if so, whether the same privilege can be allowed to the members of the independent medical profession?

A.—(a) & (b) The Government have no reason to suppose that the facts are as indicated in the question. Medical officers are not allowed to treat their private patients in Government Medical institutions.

(c) Medical officers are allowed to use hospital instruments when treating their private patients, on payment of a fee. The concession cannot be extended to private medical practitioners.

MR. A. B. SHETTY:—"May I know, Sir, whether the Government have made enquiries and satisfied themselves regarding the answers to (a) and (b)?"

The hon. MR. S. MUTHIAH MUDALIYAR:—"As I have said on a previous occasion regarding this matter, the inquiry of the Government will be facilitated if the hon. Member will give one or two instances."

Registration

Reduction of the private attendance fees for the registration of documents.

* 1793 Q.—MAHMUD SCHAMNAD SAHIB Bahadur: Will the hon. the Minister for Public Health be pleased to state—

(a) whether it is a fact that the reduction of the private attendance fees for registration of documents from Rs. 20 to Rs. 15 does not help the poor gosha women very much and that they still find it very hard to pay Rs. 15 even for a small document of Rs. 25;

(b) whether the Government propose to reduce it to the former rate of Rs. 10;

(c) whether it is a fact that the Registrars do not give any concession at all;

(d) how many cases of such concessions there were during the last six years in South Kanara;

(e) whether it is a fact that in order to get the concession even the poorest people have to pay the batta in the first instance before registration and apply again before their case for concession can be considered; and

(f) whether the Government propose to lay down that in the case of poor people their case may be considered and decided whether they are entitled to the concession before the registration begins?

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A.—(a) & (c) to (f) The Government have no information. A report has been called for.

(b) No. The effects of the recent reduction of fees from Rs. 20 to Rs. 15 will be watched before a further reduction is considered.

UNSTARRED QUESTIONS

Land Revenue

Villagewar list of Government waste lands according to the Tanjore resettlement report.

1794 Q.—Mr. K. S. SIVASUBRAHMANYA AYYAR: Will the hon. the Member for Revenue be pleased to state—

(a) will the Government be pleased to call for and lay on the table a villagewar list of the area of the Government waste lands with their taram, and present acreage market value according to the Tanjore Resettlement Report, and the acreage value as per recent sales and lease transactions of adjacent patta lands between the ten years 1918-27; and

(b) whether the Government will be pleased to state the amount awarded to the parties on the average acre of wet and dry lands acquired for canal excavation by the Special Deputy Collectors?

A.—(a) The Government do not understand the question. The Tanjore Resettlement Report was written in 1920 and it therefore cannot contain information as to present market values nor does it contain villagewar lists of Government waste lands.

(b) Assuming that the question refers to land acquired in Tanjore district for the Mettur Project canals, the information has been called for.

Legislative

Representation of Viswakarma community in the Legislative Council.

1795 Q.—Mr. B. RAMACHANDRA REDDI: Will the hon. the Member for Revenue be pleased to state—

(a) why the Government has not given any representation of the Viswakarma community in the Legislative Council as formed in 1923 and 1926;

(b) whether in 1923 a promise was held out to that community that when vacancies arise in the Council the question would be considered favourably;

(c) whether the Government have received both in 1923 and 1926 memorials and monster petitions from East Godavari and other districts requesting the appointment as a Member of the Legislative Council of M.R.Ry. Paudit Ganala Ramamoorthy Garu;

(d) whether his name was recommended by the District Collector for nomination to the Legislative Council; and

(e) if the answers to (c) and (d) are in the affirmative, what is the action the Government has taken or propose to take thereon?

[27th March 1928]

- A.—All representations received on the subject have been duly considered. The Government are not aware of any promise such as that suggested in clause (b). Nominations to the Legislative Council are at the discretion of His Excellency the Governor.

Civil Justice

Proposal to entrust the service of summonses to vakils.

1796 Q.—Mr. K. S. SIVASUBRAHMANYA AYYAR: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that several Bar Associations have protested against the proposal of the Government to entrust the preparation and service of summonses to vakils; and

(b) if so, whether the Government will drop the proposal?

- A.—(a) & (b) The Government are aware that objections were raised against the introduction of the scheme relating to the preparation of processes by pleaders. But this scheme is based on the recommendation of the Civil Justice Committee and the object is to avoid delay in the preparation of processes in courts.

Vakils have not been entrusted with the service of processes.

Public Health

Construction of piecemeal drainage system in Kumbakonam.

1797 Q.—Mr. K. S. SIVASUBRAHMANYA AYYAR: Will the hon. the Minister for Public Health be pleased to state—

(a) whether the Chairman, Municipal Council, Kumbakonam, applied for permission for the construction of piecemeal drainage system in the wards where lands had been already acquired for the purpose?

(b) whether any permission was granted for the same, and if not, why not?

A.—(a) & (b) No.

[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II

AMENDMENTS TO THE STANDING ORDERS OF THE MADRAS LEGISLATIVE COUNCIL.

Standing Order No. 40.

* Mr. J. A. SALDANHA:—"Sir, I beg to present the report of the Select Committee appointed to consider my amendment to Standing Order No. 40, and I beg it may be considered. Since the report has been circulated among the hon. Members of the House I request the report be taken as read."

MAHMUD SCHAMNAD SAHIB Bahadur:—"I second it."

* The hon. the PRESIDENT:—"The question is that the report be taken into consideration."

The motion was put and carried.

27th March 1928]

* The hon. the PRESIDENT :—“ The question is that the following clause be added to Standing Order No. 40 :

‘ (5) The Secretary of the Legislative Council shall be the ex officio Secretary of the Select Committee and send notices of its meetings and conduct all correspondence connected with its business.’

(After a pause) “ I take the House is ready for a vote.”

The House having agreed, the motion was put to vote and carried.

Standing Orders Nos. 12 and 52.

* The hon. the PRESIDENT :—“ The next item in the agenda is a motion by Mr. J. A. Saldanha for certain amendments to Standing Orders Nos. 12 and 52. Under Standing Order No. 76 I have now to read the draft amendments and ask whether the hon. Member has the leave of the Council. The amendments have been circulated to hon. Members of this House and I do not think it is necessary that I should read them. I wish to know whether the hon. Member has the leave of the House. (After a pause.) Since no Member objects I take it that the hon. Member has the leave of the House. The draft amendments have now to be referred to a Select Committee. Six Members of the Select Committee have to be selected by the Council by means of the single transferable vote in accordance with the regulations framed in this behalf, the President, the Deputy President and the Advocate-General being ex officio members of the Committee. One of the members of the panel of Chairmen is to be nominated by me as a member of the Committee. I fix 2 p.m. to-day as the hour within which nomination papers may be handed over to the Secretary.”

III

BILLS TO AMEND THE ANDHRA UNIVERSITY ACT, 1925.

* The hon. Dr. P. SUBBARAYAN :—“ I have had a talk with hon. Members regarding the Andhra University Bill; I told them it will be better if the matter is postponed to the August session. Most of the hon. Members agreed to it; and Diwan Bahadur P. Kesava Pillai also has agreed to defer it to the next session.”

* Diwan Bahadur P. KESAVA PILLAI :—“ I don't know why I should not be allowed to speak on behalf of myself. (Laughter.) In deference to the request of the party leaders I agree to the adjournment of this matter to the next session.”

* The hon. the PRESIDENT :—“ I think it will be convenient if a motion is made for the adjournment of the consideration of the Bill to the next session.”

* Diwan Bahadur P. KESAVA PILLAI :—“ I beg to move that items (1) to (7) in the agenda be adjourned to the next session of the Council.”

Mr. J. A. SALDANHA :—“ I second it.”

* The hon. the PRESIDENT :—“ The question is items (1) to (7) in the agenda be taken up in the next session.”

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- A.—All representations received on the subject have been duly considered. The Government are not aware of any promise such as that suggested in clause (b). Nominations to the Legislative Council are at the discretion of His Excellency the Governor.

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27th March 1928]

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* Diwan Bahadur P. KESAVA PILLAI :—“ I beg to move that items (1) to (7) in the agenda be adjourned to the next session of the Council.”

Mr. J. A. SALDANHA :—“ I second it.”

* The hon. the PRESIDENT :—“ The question is items (1) to (7) in the agenda be taken up in the next session.”

[27th March 1928]

* **MR. A. RANGANATHA MUDALIYAR** :—" Before I give my vote I should like to know from the Government where we stand regarding the construction of building the headquarters and other necessary structures. Hon. Members of this House may remember that more than a year ago Government said that plans and estimates for the necessary headquarters were under scrutiny. Subsequently the Vice-Chancellor and other authorities concerned had had interviews with His Excellency the Governor and the hon. Minister for Education. Now we are being treated to a series of Bills the effect of which it is difficult to forecast. I should like to know whether Government are going to stay their hands entirely in this matter or whether they are going to issue directions, tentative though they might be, as to where the headquarters are to be situated."

* **The hon. Dr. P. SUBBARAYAN** :—" I think the hon. Member knows quite as well as I do that the Government will take no steps with regard to the building of the headquarters till a decision has been arrived at in this Council. I was rather surprised that the hon. Member should rise and demand from me an answer. I can assure him that Government will take no steps in this matter till the Council has come to a decision on this matter."

The motion for adjournment was put to vote and carried.

IV

A BILL TO AMEND THE MALABAR WILLS ACT, 1897.^a

* **MR. MAHMUD SCHAMNAD SAHIB** :—" Sir, I beg to present the report of the Select Committee appointed to consider the Bill to amend the Malabar Wills Act, 1898, and move that the Bill as amended by the Select Committee be taken into consideration. Sir, this Bill seeks to make Muhammadan law applicable to the wills executed by the Mappillas governed by Marumakkattayam law. These Mappillas are living in the North Malabar and in a portion of South Kanara. It is simply islamising some of the customs prevailing among these Mappillas. This matter was referred to the Collectors of Malabar and South Kanara and they are in favour of it. The Collector of Malabar says: 'I have consulted sixteen individual Mappillas and two Muhammadan Associations and have received in reply eight opinions. They are all in favour of legislation of the kind intended by the Bill. Briefly stated the grounds on which the legislation is advocated are: (1) In view of the Mappilla Succession Act, 1918, which brought the law of intestate succession among Marumakkattayam Mappillas into line with Muhammadan law, it is anomalous and improper that it should remain permissible to this class of Mappillas to make testamentary dispositions that violate the principles of Muhammadan law.'"

The **RAJA OF RAMNAD** :—" I rise to a point of order. The hon. Member is reading his speech."

* **MR. MAHMUD SCHAMNAD SAHIB** :—" I am reading the opinion of the Collector. (Laughter.) The second reason adduced by the Collector is 'The present state of the law in regard to wills exposes Marumakkattayam Mappillas to adverse criticism and even ridicule on the part of other Muhammadans.' The third reason in favour of the proposed legislation is 'the proposed legislation (it is said) only gives effect to the original intentions of those who promoted the passing of the Mappilla Succession Act'."

^a Published in the *Fort St. George Gazette* on 8th November 1927—printed as Appendix on pages 62-63 infra.

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[Mr. Mahmud Schamnad]

All enlightened Mappillas of North Malabar are reported to be in favour of the legislation. In the end the Collector says 'legislation (whatever form it may take) designed to give effect to the object which the author of the present Bill has in view will meet with a very large measure of support from the community affected by the Bill. I therefore support the proposal to legislate on these lines.'

"The Collector of South Kanara says 'the general opinion is that the proposed amendment is necessary and may be accepted The proposed amendment is only intended to give effect to the provisions of the Muhammadan law relating to the power of testamentary disposition and therefore seems to me to be unobjectionable.' For these reasons I beg to move the motion."

* The hon. the PRESIDENT :—"The question is that the Bill to amend the Malabar Wills Act be taken into consideration."

* Rao Bahadur C. V. ANANTAKRISHNA AYYAR :—"Mr. President, Sir, 11-16 I just want to say a few words in order to remove any possible doubt that ^{a.m.} might be entertained in the application of the Act. The words 'all Mappillas governed by the Marumakkattayam or Aliasantana law of inheritance' have been borrowed from the Mappilla Succession Act, 1918. The Act applies not to the tarwad property owned by such Mappillas, the tarwad property being governed by Marumakkattayam or Aliasantana law of inheritance, but only to the separate property of a Mappilla including cases where the Mappilla concerned happens to be, so to speak, the last of the race. The tarwad property to which he has become solely entitled could not be ordinarily said to be the property of the Mappilla concerned. The scope both of the Mappilla Succession Act as well as this Act is confined to cases of separate property at the absolute disposal of the Mappilla concerned or of the tarwad property which becomes solely his being the last surviving member of the tarwad. I think this particular explanation of mine may be useful to clear up the ground when the construction of the phrase, which occurs not only in this Act, but also in the prior Act of 1918, comes before the courts for discussion. With these observations I beg to support the motion."

The motion was put to the House and adopted.

Clauses 1, 2 and 3 were separately put to the House and carried.

The clauses were allowed to stand part of the Bill. The preamble was put to the House and carried; and it was allowed to stand part of the Bill.

Mr. MAHMUD SCHAMNAD SAHIB :—"I move that the Bill be passed into law."

* Rao Bahadur C. V. ANANTAKRISHNA AYYAR :—"I second it."

The question that the Bill be passed into law was put to the House and carried, and the Bill was passed into law.

V

A BILL TO AMEND THE MADRAS DISTRICT MUNICIPALITIES ACT^a,
THE MADRAS LOCAL BOARDS ACT, AND THE MADRAS GENERAL
CLAUSES ACT.

Mr. J. A. SALDANHA :—"The object of this Bill is to define what is meant by the term 'public' as applied to public streets, roads, etc. The term 'public' is used"

^a Published in the Fort St. George Gazette on 21st February, 1928.

[27th March 1928]

The hon. the **PRESIDENT**:—"Under the new Standing Orders no discussion can be permitted when the Member in charge of a Bill introduces a Bill."

* **Mr. J. A. SALDANHA**:—"Sir, I introduce my Bill to amend the Madras District Municipalities Act, the Madras Local Boards Act and the Madras General Clauses Act.

"The Bill having been introduced, I move

'that the Bill be referred to a select committee composed of the following members.'

"But before I mention the names of the Members I should like briefly to explain the purpose of this Bill . . ."

* The hon. the **PRESIDENT**:—"The hon. Member need only take the trouble of giving a description of the Members who will constitute the Select Committee." (Laughter.)

* **Mr. J. A. SALDANHA**:—"I move, Sir, that the Bill be referred to a select committee composed of the following Members:—

- (1) The hon. the Minister for Local Self-Government,
- (2) The hon. the Law Member,
- (3) The hon. the Advocate-General,
- (4) Rao Sahib R. Srinivasan,
- (5) Rao Sahib L. C. Guruswami,
- (6) Mr. N. Siva Raj,
- (7) Mr. A. B. Shetty,
- (8) Mahmud Schamnad Sahib Babadur, and
- (9) Myself."

Mr. C. GOPALA MENON:—"I second it."

* The **RAJA OF RAMNAD**:—"Mr. President, Sir, I object to the composition of the Select Committee. I have absolutely nothing to say against the individuals mentioned here. It looks to me that the selection has been made without any regard to other parts of the Presidency except South Kanara. There are three members coming from South Kanara among the elected members, three others are officials and the remaining three are nominated members. This is a matter which vitally concerns other parts of the Presidency as well and the hon. Mover ought to have included the names of other members in consultation with the Leaders of parties. There are ever so many members who have had a good deal to do with the administration of local bodies and they can render useful service on the Select Committee. In the list of members now before the House I do not find even one except the officials who has been connected with local boards administration or municipal administration. For these reasons I strongly object to the composition of the Select Committee."

The hon. the **PRESIDENT**:—"The hon. Member, Mr. Premayya, has given notice of an amendment to this motion. He not being in his place, the motion is deemed to have been withdrawn."

27th March 1928]

In the absence of Rao Sahib R. Srinivasan, the following amendment was moved by Mr. V. I. Muniswami Pillai with the leave of the House :—

Mr. V. I. MUNISWAMI PILLAI :—“ Mr. President, Sir, I beg to move that the following names be added to the list of members of the Select Committee :—

Mr. M. A. Manikkavelu Nayakar.
Mr. T. M. Moidu Sahib.
Mr. P. J. Gnanavaram Pillai.
Subadar-Major S. A. Nanjappa Bahadur.
Diwan Bahadur R. N. Arogyaswami Mudaliyar.
Rao Bahadur C. S. Ratnasabhapati Mudaliyar.
Mr. V. I. Muniswami Pillai.
Mr. K. R. Karant.
Mr. G. R. Premayya.”

* The hon. the PRESIDENT :—“ Under Standing Order No. 40 (2) the number of such members so nominated shall not, without the leave of the House, exceed fifteen. Nine members have already been proposed and this list contains nine members, which makes the total number of members exceed fifteen. Therefore this motion is out of order.”

* The hon. Dr. P. SUBBARAYAN :—“ Mr. President, before we proceed any further I should like to state that the Government have no objection to this Bill. They are not committed to the principle of the Bill. On this matter they would like to invite the opinion of the local bodies concerned before they can give assent to the principle contained in this Bill. As has been rightly pointed out by the Raja of Ramnad, the presidents of local boards who have been working this Act know the difficulties in the application of the clauses that are about to be introduced and they will have to be consulted before any definite decision is arrived at. As the Raja of Ramnad pointed out, even the presidents of local boards who are already in this House are not put on the Select Committee, and I would ask Mr. Saldanha whether he and I could meet together and settle the list of members of the Select Committee and submit it this afternoon for the consideration of the House.”

The hon. the PRESIDENT :—“ I do not think the House will take it up this afternoon.”

Mr. A. RANGANATHA MUDALIYAR :—“ Sir, I move that the consideration of the motion that the Bill be referred to a select committee be postponed to the next meeting of the Council.”

The RAJA OF RAMNAD :—“ I second it.”

The motion was put to the House and carried, and the consideration of the question was postponed.

The following item was deemed to have been withdrawn in the absence of the Member who gave notice of it :—

“ Mr. K. R. Venkatarama Ayyar will move for leave to introduce a Bill for the suppression of Brothels and Immoral Traffic. If the motion is carried, he will introduce the Bill.”

[27th March 1928]

VI

MOTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

AMENDMENT OF SECTION 130 OF THE ESTATES LAND ACT.

* The ZAMINDAR OF GOLLAPALLI :—“ I beg to move

‘ that this Council recommends to the Government that section 130 of the Estates Land Act be so amended as to permit a proprietor purchasing the property of a defaulting tenant for arrears of rent to set off against the purchase money the amount due to him from such tenant.’

“ Sir, I understand that under the Civil Procedure Code it is usual to allow a set-off of the decree amount if the judgment-debtor purchases the sale property. Now under section 112 if a property is brought to sale and under section 130 if the proprietor purchases the property he is forced to pay the whole amount of money. He is to pay double the amount of money, once in the shape of arrears of rent and another time in the shape of the purchase money. Of course it may be contended that he would get the money back after some time. But the purchaser will have to undergo a lot of difficulty and lose a large sum by way of interest. I request the Government to be pleased to introduce such a section in the amending Bill which will remove the difficulty to which the proprietor is put.”

Mr. R. NAGAN GOWDA :—“ I second it.”

11-30
a.m.

* The hon. the PRESIDENT :—“ The question is ‘ that this Council recommends to the Government that section 130 of the Estates Land Act be so amended as to permit a proprietor purchasing the property of a defaulting tenant for arrears of rent to set off against the purchase money the amount due to him from such tenant.’ ”

Rao Bahadur B. MUNISWAMI NAYUDU :—“ Mr. President, Sir, I do not think that an amendment of this sort is necessary especially having regard to the way in which properties worth Rs. 400 and 500 are purchased by zamindars for nominal values of 4 annas and 5 annas. The vagaries of the Estates Land Act are many and varied and I do not want that another should be added to them. The sales of properties for payment of a small sum or execution of decree are very often held in village chavadis or under a tree. Nobody knows where the sales are held. Somebody bids or nobody bids. It is stated that the property was purchased in the name of the proprietor's agent. Whether the agents have got power of attorney or not is doubtful. It is rather dangerous that somebody acting in the name of the proprietor should sit somewhere under the shade of a tree, that he should bid and set off against the purchase money the amount due to the proprietor from the tenant. Unless the sale is conducted in a public place there will be no guarantee that the zamindar bids for a proper amount. I do not think that any zamindar should be given help of this sort when he purchases the lands for 4 or 5 annas and deducts from this amount the money due by the tenant to the zamindar. If the properties are sold in public auction I can understand it. If it is a case in which the property is sold in the precincts of the court with a presiding judge I can understand it. When the sales are held in far-away villages and when many of them are not sometimes properly

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conducted, I think it is conferring too much in favour of the landlords that such an indulgence should be given to them. The landlord can always afford to bid for a small sum of rupee one for lands worth large sums of money. I think an amendment of this sort would create serious hardship so far as the tenants' interests are concerned."

* The RAJA OF RAMNAD :—" Mr. President, Sir, I am of opinion that this motion is not quite opportune now in view of the fact that the Government have before them the amendment of the Estates Land Act and that the amending Bill is in sight. After hearing the remarks which fell from my hon. Friend, the Member from Chittoor, the champion of zamindari ryots or other ryots, I am compelled to say a few words in defence of zamindars. After all, these sales take place in public auctions. What is the relief that the hon. Mover has asked? He has simply asked that the amount due from the ryot, i.e., the decreed rent, should be set off against the purchase money. Where is the question of any fraud? If the sale is effected by fraudulent means it will be set aside on appeal by the ryot who can move the court and have the sale set aside. I know of several cases where the sales have been set aside. Even if the revenue courts sometimes do not set aside such sales by some device or other the matter is taken to the civil court where they are set aside. The remarks of the hon. Member from Chittoor is too sweeping and a slander against a class which deserves better treatment. The hon. Mover has brought forward a very innocent resolution though, as I said, in a rather inopportune moment. I request the hon. Mover to withdraw the motion."

* Rao Bahadur Sir A. P. PATRO :—" Sir, under the Civil Procedure Code for execution of decree we bring the property to sale by a process, first of attachment and then proclamation of sale and actual auction in the precincts of the court or as the proclamation decides elsewhere near the land. Discretion is left to the court to decide at the time of the settlement of the proclamation whether the land is to be sold within the premises of the court or somewhere else. The decree-holder has got a right to apply for permission to bid at the sale and when the court gives him permission he can bid for the amount of decree passed against the judgment-debtor. In the ordinary course of procedure, in the case of a decree obtained in a civil court, facilities are provided for realizing the amount as easily as possible. Applying the same analogy and the same principles provision must be made in the Estates Land Act also so far as execution proceedings are concerned. Two methods are provided for realization of rent in the Estates Land Act. One is the summary procedure as contained in sections 112 and 114 whereby the land can be attached and brought to sale for arrears due under certain conditions. Or a decree is obtained in a revenue court. In both these cases it is open to the court to fix the place of sale either at the place where the property is located or at the court premises. The judgment-debtor and the landlord have equal opportunities of laying before the court the place which is most convenient in the interest of both of them, where the property is to be sold. Therefore I cannot follow the hon. Member from Chittoor when he said that the property was sold under a tree or somewhere else in a village and that the tenant would be deprived of the opportunity of fair sale and fair play. The procedure that was narrated by the hon. Member from Chittoor was not correct because the place where the property is to be sold will be settled at

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the time of the settlement of the proclamation by the court. If the property is sold the judgment-creditor has got a right under the ordinary civil procedure to get the amount of the decree. Why should we deprive that right and privilege to the landlord to realize the amount of the decree in that form? It seems to me to be unfair that the landlord should be deprived of this right available to a creditor. When a decree is passed and the property is sold for a certain sum it is quite necessary that the amount of the decree should be debited. It is the usual procedure in the civil court and the same procedure is sought to be adopted in these cases also.

"But as the hon. Member, the Raja of Ramnad, has suggested, I think the hon. Mover is very unwise in bringing this matter before the House at this stage. It is quite unnecessary to bring a piecemeal proposal like this now. An amending Bill is under consideration of the Government. What is the procedure to be followed for the realization of the rent due under sections 112 and 113 is one of the points that was keenly contested in the Special Committee itself. Therefore I would ask the hon. Mover not to press the resolution and to withdraw it because this question and other connected questions will be dealt with in connexion with the amending of the Act."

* The hon. Sir NORMAN MAJORIBANKS :—"Mr. President, Sir, as more than one hon. Member has pointed out, the question of the amendment of the Estates Land Act has been under consideration for some time and a committee has been dealing with it and has prepared a draft Bill which is complete, I understand, except for two clauses. That draft Bill contains a provision on this very point which has been discussed to-day. So there need be no fear that the matter will not receive attention. The Bill has yet to be considered by the Government and what has been urged on both sides to-day will be borne in mind when they deal with the proposals in the draft Bill. I would suggest that it is not necessary to deal with this matter now and come to a decision on this isolated matter in advance of the whole Bill."

* The ZAMINDAR OF GOLLAPALLI :—"Mr. President, Sir, I am sorry to note that my motion was misunderstood by some hon. Members. It is only intended to expedite matters. We do not know what is taking place in the committee; the proceedings of the committee are kept secret—of course it is the convention to keep them secret. I have brought forward this motion which is very innocent as stated by my hon. Friend. As the Government have been pleased to give the assurance that they would consider the question, I withdraw the resolution."

The resolution was, by leave of the House, withdrawn.

LEVY OF TAX ON LANDS IN MUNICIPALITIES AT A RATE DIFFERENT FROM THAT ON BUILDINGS.

* Mr. V. I. MUNISWAMI PILLAI :—"Sir, I beg to move that

'this Council recommends to the Government that the Madras District Municipalities Act be amended so as to empower municipal councils to levy the tax on lands at a rate different from that on buildings.'

"In doing so I should like to bring home to the Council that it is very necessary that different rates of taxation should be levied on lands and buildings. In the pre-reform days the municipal councils had discretion to levy taxes on buildings at a rate different from those levied on lands.

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But after the reforms it has come to pass that whatever amount of taxation is put on land the same amount is put on buildings, which causes great hardship to the landholders. As it is, property owners have to pay tax before the end of each half-year failing which the owners are not eligible to vote at the elections. Poor people in many districts feel the hardship of this taxation. This is a very modest request to the Government that they may give municipalities powers to tax buildings and lands at different rates according to the financial status of the municipalities. Sir, I know of instances where municipalities have surplus funds, but due to this bar they could not tax at their discretion. I hope the hon. Minister for Local Self-Government will accept the resolution."

* Khan Bahadur ABDUL RAZACK SAHIB Bahadur :—" Mr. President, Sir, the tax on buildings and lands is the mainstay of every municipal council and therefore anything affecting this tax will in its turn affect every taxpayer in a municipality. In the Madras District Municipalities Act IV of 1884, the Government had made a distinction between the tax on buildings and the tax on lands. In the new Act of 1920, however they have clubbed the two into a property tax. Section 84 of this Act says that the property tax shall be levied at a uniform rate throughout a municipal area. Now there is considerable difference between a building and a land and a percentage rate which may be equitable to a building will press hard on the land. There are many pieces of vacant sites or agricultural lands included within the limits of most of the municipalities and if these lands which are not productive if they are waste lands or are already paying assessments to Government if they are agricultural lands are made to pay the same rate of tax as a building, the poor owner is hard hit. On the other hand, if you reduce the rate of the property tax so that it may not be felt as a heavy burden by the land-owner, the total income from the tax will be considerably reduced and many a municipal council will not be able to find the wherewithal to carry on its necessary services, not to speak of any amenities. The resolution is thus a very reasonable one and it only asks the necessary discretion to be vested in councils to assess buildings and lands at different rates and not necessarily at the same rate as in the present Act. I am thus only pleading for a reversion to the state of things which obtained for 36 years from 1884 to 1920, and which the Government on the eve of reforms hastily changed without a proper idea of its consequences. The amendment will only be in furtherance of the principles underlying the Act which leave the discretion of the rates of the several taxes to the municipal council and will remove the inequitable provision which at present compels a council to levy the tax on lands at the same rate at which it is found necessary to levy the tax on buildings. In other words, the inter-dependence of buildings and lands will be taken away and the municipal councils will be at liberty to levy the tax on buildings at such separate rates as may be necessary or convenient in their individual towns. The amendment will not affect the income of the municipal councils as the councils have still the discretion to levy the taxes on buildings and lands at such rates as are necessary. On the other hand, the concession will confer a lasting and far-reaching boon on several land-owners. I may add for the information of the Council that even under the present Act, in the municipalities of Cocanada and Tinnevely and in my own municipality of Saidapet, we have managed to levy tax on agricultural lands at a rate different from the rate of tax on other lands. For this

11-45
a.m.

[Mr. Abdul Razaek Sahib]

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privilege, however, we have to depend on the whims and fancies of individual Collectors who do not see eye to eye with the municipal councils or the rate-payers. In one municipality, for instance, in spite of the repeated earnest and imploring requests of the chairman and councillors, an obstinate Collector declines to exercise his discretion in favour of the municipal council. It is to avoid such different treatment to the councils and vest the discretion in the council itself instead of in the Collectors that I now stand before you to second this resolution.

"I trust hon. Members of this House will see the reasonableness, and the equity of the extension of the democratic principle which underlies this resolution, and I commend it to their acceptance. I have no doubt that the hon. the Chief Minister will give the resolution the consideration which it deserves in view of its effects which will be both far and wide and be pleased to accept it."

In the absence of Mr. R. Srinivasa Ayyangar, Sir A. P. Patro moved the following amendment with the permission of the House:—

* Rao Babadur Sir A. P. Patro:—"I beg to move

'in line 3 for the words "different from" substitute the words "less than".'

"The hon. Member, Mr. Abdul Razaek, has very pointedly shown the injustice done in the matter of land-tax in municipalities. I am not able to see the rationale or the principle under which the agricultural lands are assessed to tax in the municipalities. It is nothing short of zulum. There are two points which have to be considered in this connexion. The agricultural lands were being cultivated long before the municipality was formed or subsequently the limits of the municipality were extended so as to include agricultural lands. They are subject to assessment payable to Government in the form of water-tax, land-tax and land-cess necessary for roads, etc. Nevertheless, these agricultural lands within the municipal limits are further subjected to a tax by the municipality. What is the service which the municipality renders to the agricultural lands or to the agriculturists who hold lands for which he has to pay an additional tax? I could understand if the house sites in a municipality are subjected to a certain amount of taxation. Even there in the matter of vacant sites and house sites the municipality renders no service. All the services are to be carried out under the municipal rules by the owner himself. He has to keep the site clean and an obligation is placed on the owner himself according to the municipal rules. In cases where the municipality renders no service, what is the reason for the municipality to demand tax even from vacant sites or agricultural lands? Secondly, with regard to the agricultural lands they are already subject to land-tax assessment, water-rate and land-cess; and there is no justification for the municipality to levy a tax. As pointed out already, there was already the agricultural land and by extension of the municipal limits the agricultural lands were included. What then is the service rendered to the agricultural land to justify additional taxation? I submit therefore that it is unjust and unfair that the municipality should levy any tax on agricultural land within municipal limits. Thirdly, Sir, it is also unjust that they should levy tax equal to the house-tax, etc. Whatever may be the reasons for the house-tax as certain services are rendered by the municipality, in the case of agricultural lands no service is

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rendered by the municipality. Therefore, that they should demand some rate of assessment is unjust and unfair. There is no reason whatever that the same amount of house-tax in the case of lands which are in municipal limits and which are subject to so many other payments should be collected. I therefore move that the land tax should be very much less than and different from what it is in the case of house-tax, or no tax should be levied in the case of agricultural lands because no service is rendered."

Mr. J. A. SALDANHA :—"I beg to second it."

* The hon. Dr. P. SUBBARAYAN :—"Mr. President, in the amending Bill to the District Municipalities Act of 1920 we are providing for an amendment in such a manner that the rate levied on lands should be different from that on buildings. But the amendment which has now been proposed by my hon. Friend, Sir A. P. Patro, wants it to be less than the rate levied on buildings. I shall have this matter considered and have a suitable amendment introduced."

The resolution, as well as the amendment, was by leave of the House withdrawn.

PAY AND STATUS OF PANDITS AND MUNSHIS

Rao Bahadur B. MUNISWAMI NAYUDU :—"I move the resolution standing in my name—

'This Council recommends to the Government that pandits and munshis employed in Government colleges, high schools and middle schools be given the same pay and status as college assistants, school assistants and secondary grade teachers respectively.'

"Sir, the question of the pay, status, prospect and emoluments of these pandits teaching vernacular in high schools and colleges is one that requires sympathetic consideration at the hands of the Government. Sir, so far as their work is concerned, they take to teaching subjects which are as important as any other subjects. If a teacher takes mathematics or geography or even English, the pandit takes vernacular which he has to teach. That is a subject which the candidates have to qualify themselves, and get the proper marks to make themselves eligible for pass. The one is English educated and the other is not. The latter has to be treated as in an inferior position to the former. So far as the scales are concerned, they are lower than what is available to the corresponding teachers for any college or high school or middle school and the normal maximum does not come to the maximum of the other teachers. I do not see why there should be such a distinction unless it be that they are themselves inferior to the other teachers who deal with the other subjects. The sooner the inferiority is taken away, the better for all concerned. When I find there has been serious speeches made for the vernacularisation of the services, I really see no reason why these teachers who would be the persons who would really fit the students for discharging their duties in their mother tongue should be treated as in any way inferior to those who teach English. Sir, so far as the grades are concerned, in the high schools they do not come to anything that an S.S.L.C. gets, viz., Rs. 35-60. The maximum is only 50 and many of the pandits get only a definite pay and not even a scale pay. I may tell you, Sir, that somehow or other, so far as the local bodies and the Government are concerned, there is a feeling that a pandit or munshi does not require

[Mr. B. Muniswami Nayudu]

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to be paid the same pay as an S.S.L.O. or a graduate. I think it is high time that the Chief Minister should look into the matter and see that they are placed on a footing of equality, if not of superiority, with the other teachers. Some of them are so well versed in their subjects that they bear comparison with any and are behind none so far as proficiency in the particular language is concerned. When they are so proficient I do not see any reason why that should be treated as inferiors. With these few words, I commend this resolution to the acceptance of the House."

* Rao Bahadur K. SITARAMA REDDIYAR :—" Sir, I support the resolution which has been moved by my hon. Friend from Chittoor. As one connected with the management of certain schools in one of the districts in the Presidency I know the hardships which these pandits and munshis are put to. I am alive to the fact that I am a party to this hardship, but at the same time I feel I am helpless. It is brought to my notice by some of my colleagues on the district board that if the Government do not propose to treat these pandits on a better footing why should the district board try to put them on a better footing? There is reason in the argument; therefore I cannot do much to favour these munshis or pandits. I see in the list of appointments that these pandits and munshis start with a salary of Rs. 40 in Government schools and colleges, whereas teachers who are called school assistants and who may be placed in the same category as these pandits, get an initial salary of Rs. 75. Never mind if they do not reach the maximum in the two cadres, we must see that at least the initial pay is equal in the case of the two teachers. As was pointed out by my hon. Friend the previous speaker, there is no reason why the two cadres should be kept separate. These pandits have to undergo special training, and there are also qualifications prescribed for them. In the case, for instance, of a Tamil pandit, he is required to pass some test prescribed by the Madura Sangam and also undergo training in the Meenakshi Oriental College. I am speaking of one district; there may be other centres in other districts where similar examinations and training might be prescribed for pandits. This involves the same amount of training as in the case of secondary-grade teachers. The secondary-grade teachers are appointed as school assistants. Now that there is a cry that the medium of instruction should be through vernacular I do not see any reason why these pandits should be placed on a different footing from other teachers. With these words, I heartily support the motion."

* Mr. S. ARPUDASWAMI UDAYAR :—" Mr. President, Sir, I move the amendment that stands in my name, namely, between 'schools' in line 2, and 'be given' in line 3, the following words be substituted: 'and possessing the same general educational qualification'.

"As my hon. Friend Mr. Muniswami Nayudu said, many of these pandits and munshis are not inferior to other teachers. They are as proficient in the vernaculars or in the classical languages taught by them as are the other professors and assistants in a Government college or high school. But my object in making this motion is that those who are appointed as pandits should possess some general qualifications. I know that at present the tendency is to appoint as pandits and munshis gentlemen who in addition to possessing a Vidwan title or a certificate from the Madura Tamil Sangham are also graduates. But many schools employ as pandits and munshis on a

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very small pay gentlemen who have a good knowledge of vernaculars or of oriental languages but are absolutely ignorant of English. The result is discipline suffers. I may give one instance. The pandit does not understand English and if a notice or circular comes to him, he merely initials it and passes it on; if some mischievous student asks him 'Kindly tell us what the notice says or at least give us the substance of it'. The teacher in such case will look small in the eyes of his pupils. I have personal experience of such cases. There is also another reason why we should insist upon a general educational qualification. First of all, the University has made provision for higher studies in vernacular languages and also in classical languages in the B.A. Honours—Group VI. Although provision has been made for higher studies in these languages, I know this group is not at all popular. Very few colleges, probably, two out of so many, have provided for instruction being imparted in this group; and if we consider the number of students taking the languages group, I think this may be counted on one's fingers' ends. If we insist upon a general educational qualification, there is every likelihood of more students taking this group in the hope of being appointed pandits or readers in the University. Again, Sir, in order to do justice to these vernacular languages and even classical languages and teach them very efficiently, it is necessary that a pandit or a munshi, whatever his special qualification may be, should be conversant with all the critical literature that is extant on those subjects. Sir, India is no longer an isolated country. Vernacular and oriental languages are being studied in foreign universities and many criticisms are written on many vernacular and oriental works in all these seats of learning. If one listens to lectures such as those delivered by my Friend, Dr. Krishnaswami Ayyangar, one can understand the necessity for studying the criticisms on our oriental works made by other nations for studying these works on the lines of modern criticism and modern research. In order therefore to make the subject interesting and to enable students to engage themselves in research work, surely a pandit or munshi must read all this literature, all articles appearing in the various journals devoted to oriental studies. So this only postulates the need for our insistence on this general educational qualification.

"Again, Sir, translation is an important test—translation from English into vernacular or classical language or translation from vernacular or classical language into English. This is an important test in this respect, namely, not only it tests the pupil's ability to give the substance of what is in the vernacular, but it also tests the student's ability to find out the exact equivalents for words and bring out the diction, the melody and harmony of the original into the language into which he is translating. So in order to prepare the students satisfactorily, insistence ought to be made on this general educational qualification. I think this will entail no hardship on the pandits and munshis. Exceptions may be made if necessary in the case of one or two pandits. So, if this amendment is carried, not only the position and status of these pandits will be raised but also a great impetus will be given to the study of vernacular, or oriental or classical languages in this country, a consummation to be devoutly wished for by all hon. Members in this House."

(The amendment was not seconded.)

* The hon. the PRESIDENT:—"For want of a seconder, the amendment falls through."

[The President]

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"The hon. Member Mr. A.B. Shetty has given notice of an amendment very late. The amendment runs thus : In line 3, for the words 'the same pay and status as' substitute the words 'higher scales of pay than at present and that the relation in the scales of pay to be in the same proportion as in the case of'. Does any hon. Member object? (After a pause) Since no hon. Member objects, Mr. Shetty may move his amendment."

* Mr. A. B. SHETTY :—"I beg leave to move the amendment which runs as follows :—

'In line 3, for the words "the same pay and status as" substitute the words "higher scales of pay than at present and that the relation in the scales of pay to be in the same proportion as in the case of".'

"Sir, the demand contained in this resolution as amended by me becomes more modest and reasonable and also more easily acceptable. The complaint is not only that the scales of pay are low but also that there are too many grades which further minimise the scope for promotion. The pandits and munshis employed in first and second grade colleges have the same educational qualifications. Therefore there should be no difference between pandits and munshis serving in first and second grade colleges, just as there is no difference among college assistants whether they serve in first grade or second grade colleges. Farther the high school pandits and munshis must have the same maximum pay as college pandits and munshis, just as it is in the case of school and college assistants. I submit the following proposal for the consideration of this House as well as of the hon. Minister, viz., that the first and second grade college pandits and munshis may be given the scale of Rs 75 to Rs. 125 and that the high school pandits and munshis may be given the scale of Rs. 50 to Rs. 125."

Mr. T. M. NARAYANASWAMI PILLAI :—"I second it."

12-15
p.m.

* The hon. the PRESIDENT :—"The amendment is for the discussion of the House. I take it that the House is ready for a vote on the amendment."

* The hon. Dr. P. SUBBARAYAN :—"I hope you will have no objection to my speaking on the amendment as well as on the main resolution."

* The hon. the PRESIDENT :—"I think it will be more convenient to the House to dispose of the amendment first."

The hon. Dr. P. SUBBARAYAN :—"Now, taking only the amendment, i.e., the one proposed by Mr. Shetty I must say that makes the case a more reasonable one than the motion of my hon Friend Mr. Muniswami Nayudu from Chittoor. The scale of these pandits and munshis was fixed in the year 1921-22 on the recommendation of the Reforms Commissioner, Sir Arthur Knapp. Before that the pay was only Rs. 30 to Rs. 40 plus a temporary allowance of Rs. 10 or Rs. 12. On a motion of my hon. Friend Mr. Kesava Pillai in the Legislative Council in 1911 the pay was raised to Rs 100 and again that was raised again by the recommendation of the Reforms Commissioner, which pay remains the same now. I brought it to the notice of the Director of Public Instruction after a motion of this kind was moved on the budget debate last financial year and then the Director of Public Instruction pointed out that if teachers of vernacular languages are to be given the same pay as school or college assistants, it may be necessary to insist on their possessing identical qualifications, which I see was brought forward as an amendment by my hon. Friend Mr. Arpudaswami Udayar which unfortunately had to be dropped for want of a seconder. As long as the men with the existing

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qualifications are recruited there is something to be said in favour of differentiation of salaries, but in the future it may become increasingly necessary to recruit graduates as vernacular teachers for both secondary schools and colleges. With the introduction of compulsory vernacular in colleges the whole question of the employment of men with merely pandit qualifications will have to be carefully considered and this can only be done in the light of experience afforded by the working of the new system. As a matter of fact, it has been found difficult to get pandits for the Queen Mary's College because they wanted women pandits. They have employed two graduates as teachers for both Tamil and Telugu in the Queen Mary's College, and they are being treated not as pandits but as college assistants and are paid the same scale of salary as other teachers in the Subordinate Educational Service. When we know the result of that experiment and when we know that the standard of teaching has not suffered in any way by the employment of these people, it may become necessary, even in colleges, as the Director of Public Instruction has pointed out, to employ graduate teachers with qualifications, especially as there is an outcry both on the floor of this House and outside that the whole education should be vernacularised and even the administration, as pointed out by my hon. Friend Mr. Muniswami Nayudu. I quite agree that these pandits possess a higher knowledge than these graduates, but I would say this: however learned a pandit may be, they to a great extent lack the critical faculty that is found in graduate teachers. I think it will be a great advantage if graduate teachers can be employed, but in view of what has been said by my hon. Friend Mr. Shetty I am quite willing to have this matter considered along with the revision of the pay of Deputy Inspectors and the college assistants which is being taken under consideration now and to see that these people are put on a better scale of pay than they are at present getting."

Mr. A. B. SHETTY:—"In view of the assurance given by the hon. Minister, I do not wish to press the amendment."

The amendment was by leave withdrawn.

Rao Bahadur B. MUNISWAMI NAYUDU:—"I wanted to say something on the amendment and now that Mr. Shetty has withdrawn I don't wish to speak on it."

* The hon. the PRESIDENT:—"What about the main motion?"

Rao Bahadur B. MUNISWAMI NAYUDU:—"As the hon. the Minister was allowed to speak only on the amendment, I wish to speak after the Chief Minister has spoken on the main motion."

* The hon. Dr. P. SUBBARAYAN:—"I have said what I had to say on the motion when I spoke on the amendment, because in a way most of the facts that I wished to place before the House were then mentioned. As I said already in view of what has been said on the floor of this House, I would consider in what way the pay of these pandits and munshis could be made better than it is to-day and that would be taken into consideration along with the revision of the pay of school assistants and college assistants. I hope with this assurance my hon. Friend will withdraw his motion."

Rao Bahadur B. MUNISWAMI NAYUDU:—"I shall withdraw the motion, Sir."

The motion was by leave of the House withdrawn.

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MARRIAGEABLE AGE OF BOYS AND GIRLS

* In the absence of Messrs. Ramjee Rao, Manikkavelu Nayakar and Bheemayya, Dr. (Mrs.) S. MUTHULAKSHMI REDDI, with the permission of the House, moved the following resolution:—

'This Council recommends to the Government that they may be pleased to communicate to the Government of India that in the opinion of this Council legislation raising the marriageable age of boys and girls to at least 21 and 16 years, respectively, is necessary.'

"I beg to move this resolution on behalf of the woman population of this country because, Sir, owing to the prevalence of the early marriage system among the higher class Hindus the advent of a girl baby is never welcome, the birth of a girl is looked upon as a great piece of misfortune especially if the parents are poor; the responsibility of finding a decent suitable husband for her is already felt so keenly as to kill even the paternal and the maternal love with the sad result that in many poor families girl children are neglected from the moment of their birth.

"In a few instances I have seen the girl babies allowed to die out of sheer neglect by their own parents. I know, Sir, after the ordeal of labour is over and the baby's first cry is heard, the parents, grandparents and every one of the relations will be eager to know the sex of the child. Many a time I had to hide the unpleasant truth from them when the baby happened to be a girl, because even among the well-to-do the news will be received with feelings of sorrow and disappointment. I have very often desisted from breaking the sad news to the mother lest it should give her a shock or add to the shock especially if the labour had been a prolonged or instrumental one. Even the poor mother may be blamed for having given birth to a girl. The medical woman on attendance will not be remunerated properly. People in their sorrow will forget even the usual practice of distributing sugar and pans to their friends and relations. The whole house will put on a gloomy appearance. The grandparents with great reluctance will break the unwelcome news to their relations and friends; if a boy baby, just the reverse state of things will prevail, when wires, not letters, will take the news to distant places; if a girl, not even an ordinary letter message will be sent to relations.

"Thus owing to this evil custom of child marriage the girl child, even from the moment of her birth becomes a concern and a burden on her family. As she approached her eighth or ninth year, her parents begin to talk of her marriage, her future husband and the probable expenses. So care and anxiety takes hold of the family.

"Naturally the girl shares in the feelings of her parents. We know of many instances when the sensitive girls burnt themselves to death with kerosene oil to save the parents the expense and annoyance of their marriage. Even such tragedies have failed to move the country into action. The sacrifice of such young innocent pure lives have failed to eradicate this pernicious practice, which reveals the horrid fact that what a stronghold this custom has upon our society. Very often she is stopped from attending the school.

"When the bridegroom is actually settled, there is nothing but the talk of marriage and the preparations for the marriage in that house.

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"The girl loses all her childlike innocence, becomes shy, reticent, imitates all the ways and manners of the elderly women of the family. The women in the house having no other outside recreation or distraction indulge in such talks as to infuse into the minds of these girls the sex ideas of a mature brain. After the marriage, the girl becomes the property of the bridegroom's parents and undue restrictions are placed on her movements. She should not run about or play or talk loudly or laugh in the presence of her mother-in-law or strangers. Thus she is robbed of the brightest period of her life, her girlhood and youth. She knows only childhood and womanhood. 'Thus from the period of infancy itself she is forced into the period of producing infants.'

"Already she begins to think of her home, her husband, her future children, jewels and clothes, etc. So she lives in a world of her own. Thus she is denied any useful knowledge or enjoyment of outside life except occasional visits to her relations and friends where also the women will gossip only of the jewels, clothes, mothers-in-law, fathers-in-law, husband, etc. To a small extent the conditions in the cities may be changing, but the lot of our girls in the rural parts is the same as ever.

"In such an atmosphere and with such a training it is no wonder the girl matures even before her body is fully developed to perform the function of wifehood and motherhood.

"If puberty is delayed beyond 14, the husband's people get ever-anxious and begin to consult the doctors. Many such cases have been brought to me for consultation. Sometimes the girl is made to live with her husband before even the first menses appears. I can bring to memory many such cases—

I. The Triplicane case of a child-wife having been burnt to death because she would not satisfy the animal passion of the husband is still fresh in our memory.

II. I can never forget the case of a girl wife of 12 who looked in her development like a child of ten having been forced to live with her husband who was an M.A., and who was well over 40, a huge figure, even before the girl attained her puberty. She happened to be the second wife and the girl had lost her mother and they were of the Rowjee caste.

"I pleaded for the girl with her husband but in vain. Except in a few and educated and well-to-do families a few months after the girl attains puberty the husband's people demand the girl. If the girl is not sent another marriage for the boy is brought about. The boy may be 16, 18 or 20, sometimes her husband is 50 or 60. Co-habitation will take place, the girl becomes pregnant when her age will be 13, 14 and rarely over 16.

"Mostly such cases end in abortions and miscarriages, the womb not being strong enough to retain the products of conception and to nourish them to their full growth and to full term.

"This very often happens on the day of 'Seemantham ceremony' owing to over-exertion and excitement. On that day the girl is decked with jewels and made to sit for a long time while visitors come and go and music is played. Rarely do pregnancies reach full term in these young immature

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girls and abortions and miscarriages are daily complaints among them. The girls become anæmic and weak and drag on a miserable existence, very often develop tuberculosis.

"In the course of one year they have three or four abortions. The cases that reach full term mostly end in either prolonged, tedious or instrumental labour with consequent disabilities to mother and child.

"During the sixteen years of medical practice among the higher class Hindus, I have attended on many a child mother ranging from 12 to 15 not without many fears and misgivings as to the ultimate results of those unnatural labours.

"I have sat by their bedside nights and days with a heavy heart vainly moaning over their miserable condition, a condition brought about, not of her own free will or choice, not by her own imprudence or misdeed, but by a blind meaningless custom of our society and the ignorant superstition of the parents.

"Thus I have watched the sufferings and pangs of labour in these young girls with ill-developed bodies bitterly cursing the very sky and soil which have given birth to a race that blindly allow their dear and most beloved children to be sacrificed to a mad custom, because in most of these cases the labour is unduly prolonged, goes on for days together and is acutely painful owing to the ill-developed muscles and immature condition of the reproductive organs.

"Very often the delivery has to be ended with instruments which further adds to the shock, to the pain and the dangers of that most critical period—dangers multiplied thousandfold owing to the practice of crude, unskilled, unscientific midwifery in the land.

"So even the birth of one child shatters her health and makes her so many years older.

"Again, I cannot describe to you, Sir, without a feeling of pang in my heart the miserable lot of our young Indian mothers, who themselves not keeping well owing to repeated conceptions, abortions and miscarriages have to look after half-a-dozen constantly ailing, fretful, sick children in the house.

"In the middle-class and poor families with an unsympathetic husband and an illiterate cruel-hearted mother-in-law, the lot of the poor young, inexperienced daughter-in-law is very hard indeed. She has to serve as a cook, as a nurse to her children, as the wife and a general servant in the house and in addition has to observe all the foolish acharams prescribed by the elders in the house.

"Such is the sad experience of eminent medical women in this country.

"This is a letter from Dr. Kugler, a lady who has spent 45 years of her precious life on this subject. She writes:

"It was in 1893 that I first arrived in India and my work as a physician among the women and children has afforded me very many opportunities of seeing the evils resulting from child marriage. I have often operated upon child mothers who have been seriously injured in child birth and I have seen many young mothers so injured that they could not again function as wives.

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'Were I to enter into the details of my long and varied experience I could give many instances that I have seen of the deleterious effect of child marriage and enforced widowhood, 12-30 p.m. I could also write much of the terrible infant mortality that makes India occupy so low a position in the health records of the world. . . . My own conviction is that if India is to develop she must have the courage of her conviction and be prepared to suffer for the carrying of them into effect.'

'There is another lady doctor of Vellore, Dr. Ida Scudder who writes to me as follows:

'During the twenty-seven years that I have been in Vellore, I have seen many disastrous results of child marriage and I will welcome the day when the age limit is raised to fifteen or sixteen.

'I would probably have never studied medicine and would not have come back to India had it not been for three child wives; none of them over 14 who died during one night in the station I was at the time. I was powerless to help. That was 30 years ago, but only a few months ago a girl of 13 or 14 came to me to be repaired for vesico vaginal fistula (a laceration of the private parts). She was like an innocent child and found it hard to understand what had happened to her. He was certainly between 50 or 60 and proved to be her husband and we still are brought face to face with the tragedy of the child wife and I rejoice that you are taking such a strong stand against it and believe you will win. I think the next thing the medical woman in India should eradicate is the ignorant barber woman *dhai*.'

'Dr. Macphail for whom we all entertain a high regard, a lady who has spent 50 years in the service of Indian womanhood tells the same tale. She writes:—

'During 40 years of medical work I have attended a good many labour cases, and it is my firm belief that the women of India have to endure an immense amount of unnecessary suffering at the time of delivery and that the high mortality is very largely due to their habits and the rules imposed on them by their social and religious customs and the overwhelming weight of public opinion. Considering the remarkable strength of family affection here and the devotion of parents to their children, it is a very remarkable fact, difficult to understand, that high caste parents insist on marrying their daughters while still children, thus submitting them to the risk of perpetual widowhood before they have realized what marriage means; or to have the marriage consummated while they are still undeveloped and not fully grown.

'I have attended six young girls who were about twelve years old, certainly not yet thirteen and I have attended many who were in their fourteenth or fifteenth year. Almost invariably these labours were abnormally long and difficult and the inevitable suffering was greatly increased by terror. In one case the young mother went insane during labour from terror and pain, and it was many months before she recovered from the nervous shock and strain and was able to take her place in the family. When they do survive this ordeal, the salvation of these young mothers lies in the fact that the babies are usually very small. But it is a very sad outlook for the country if the children of the highest caste are so feeble, puny and undeveloped as many of these children prove to be. Many of these young mothers, we all know, are permanently injured and never really recover.

'It is cruelty to young girls from every point of view to have even the betrothal marriage at so early an age, but it is infinitely worse to allow the consummation to take place while she is still a child, especially if the husband is not a boy a few years older than his bride, but an elderly man who possibly has grandchildren older than his wife. Things are bad enough in Madras but we all know that they are infinitely worse in the mufassal, where when a suitable bridegroom cannot be found for a young girl, her parents give her to any elderly man who is willing to take her since religion demands that she must be married before attaining puberty.

'Not only are the young girls of the higher castes subjected to suffering that early widowhood and motherhood means, but they never have a chance of enjoying the happy, care free girlhood which is considered to be the birthright of girls in the same station in other lands. They have to take on the risks and cares of bringing up children and of rearing them when their education and physical development should be their only care.'

'True it is that every female, whether plant or animal, has to go through that physiological period at one time or the other in its life cycle, but there is a stage in every life, there is a period of development which every living being awaits patiently before it is called upon to fulfil that supreme function of life.

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"Mature bones, mature muscles, nerves and fully developed reproductive organs ought to fulfil their legitimate primary and sacred function of every created life.

"So much for the poor child mothers.

"The infants of those child mothers are puny and small and the mother not having sufficient breast milk, the children have to be fed artificially which in the hands of ignorant and young inexperienced mothers is never done successfully, the result being high infantile mortality and morbidity.

"In spite of these sad experiences very often conception will take place before another full year is over. The same tale of suffering and hardships for the poor child mother will be repeated.

"These child mothers never enjoy life, they feel helpless, they submit to their lot as part of their natural existence and their evil 'Karma' while the parents of these girls feel equally miserable and helpless. The majority of these husbands being young and irresponsible cannot exercise self-control so as to give their partners rest from these child bearing functions.

"As for the boy husband his lot is very often more to be pitied; even while he is a student he is burdened with the heavy responsibility of a family and he has to attend on his sick wife and children and he has to spend sleepless nights, has to rush home after the school period is over, constantly call in the doctor; very often when his wife is subject to constant abortions, his time will be spent between the doctor's and the chemist's.

"Before he finishes his education, he has to be contriving ways and means of earning a livelihood for himself and his family. How could we expect him to reap the full benefit of education, how could we expect him to seek knowledge for knowledge sake?

"Where is the time and scope for research and for making original discoveries? How could we expect him to become independent, self-reliant and assertive?

"Before he reaches his manhood, before his intellect reaches its full growth and before he comes to know the world at its worth, the care and anxiety of home life overtake him. Thus the joy of his innocent boyhood is marred and distorted.

"Even before he attains his full physical and mental growth, he is the father of half-a-dozen children, perhaps already on the anxious quest for a bridegroom for his daughter.

"Another sad aspect of this early marriage is that these little girls at a period of their life when they can well afford to be happy, cheerful and enjoy life at its best, free from all the anxieties and worries of a family life are snatched away most mercilessly from their schools and playgrounds and the heavy burden and responsibility of home life is most cruelly imposed upon them when their mind and body is least prepared for such an ordeal.

"Thus not only these girls are denied the unsullied joy of the most innocent period of their life that period between their childhood and their womanhood, but also denied the education and enlightenment that is a part of that life that would best enable her to be an efficient housewife, a wise mother and a useful citizen. It is most deplorable, most regrettable that to

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a blind and meaningless custom devoid of any reason or judgment, the health, the happiness, the comfort and peace not only of those child wives and mothers, but also of our progeny is sacrificed and thus we allow ourselves to be styled a nation of pigmies.

"How could you expect a girl child of 10 or 12 or even 13 to know the full significance of a married life, to understand its responsibilities and to perform the sacred function of a mother—the function of training her children to become patriotic, good and useful citizens? How could you expect a girl of 12 or 13 or even 14 to maintain order and discipline in the home, to keep the home beautiful, clean and hygienic and how could you expect her to serve as your better half, to be your help-mate, and a friend in distress.

"Here is the definition of a wife given in *Mahabharatha* :—

'A wife is half the man, his truest friend ;
A loving wife is a perpetual spring
Of virtue, pleasure ; wealth ; a faithful wife
Is his best aid in seeking heavenly bliss ;
A sweetly speaking wife is a companion,
In solitude, a father in advice
A mother in all seasons of distress,
A rest in passing through life's wilderness.'

"So, could you imagine for one moment that our ancients expected the above qualities in a girl wife of tender age, say 12, 13 or even 14?

"In addition to disease, suffering and death, by a system of child marriage you deny to yourself and your children the happiness and comforts of a well organized perfect home life, by a system of premature and ill-fitted alliances you deny to yourself all the joys of a happy wedlock and above all you do irreparable damage to the future race.

"The saddest consequence of all is the presence of a large number of child widows in our midst whose lot and status in a Hindu family is most deplorable.

"We are too painfully conscious that the child widows, for no fault of their own are subjected to such indignities, ill-treatment in a Hindu household that her life is rendered very miserable indeed. Here are the figures I have produced to convince the House of the iniquity of the evil custom even in our presidency.

"Number of married to the total women is 95 lakhs to 217 lakhs.

"Number widowed is 40.9 lakhs and thus it forms nearly half of the total number of married women.

Age.	Married.	Widowed.
0—5	20,369	1,316
5—10	123,472	6,146
10—15	537,205	23,623
15—20	1,176,063	60,544
20—25	1,769,587	157,025
25—30	1,655,742	223,384
		472,039

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"The great physicians Sushruta and Charaka advocate marriage for a girl only after 16 and for a boy after 24. We know also during the Vedic period and the Puranic period of our history no early marriage was practised. 'Swayamvāra' or marriage by choice was in vogue.

"Damayanthi, Sita, Savitri and a host of our great women who ornament our history were allowed full freedom in the matter of choosing their husbands. It was in Smṛithi period that this pernicious custom had invaded the Hindu society and the lives of such single women as Viswavara, Shashvathi, Gargi, Meitrayi, Apala, Gosha, Aditi, Romasha, Banumathi and Lilavathi illustrate the fact that marriage was not the only avocation for a woman, was not the end and aim of a woman's life. They could remain single and devote their lives to study, to research and to useful service.

"Baroda and Bharatpur have taken a step in advance. The Baroda Legislative Council has fixed the marriageable age for boys and girls at 18 and 14 respectively. The Maharaja of Kashmir has sanctioned a new law prohibiting marriage of girls before 14 and boys before 18. The Indian States of Gondal, Kotah, Mysore and Indore have enacted similar laws. The State of Rajkot leads all India as it has made the legal age at 15 and 19 for girls and boys respectively.

"This measure commands wide sympathy and support from all quarters, from the high and low. The enlightened manhood and womanhood of the country have been long demanding for this most urgent reform.

"For the last few months, this question has been agitating this country and several meetings have been held in its support as we all know. Of course there is a certain amount of ignorant, orthodox opposition, as for that in every country, however advanced it may be, there will be always opposition. I have got one of the memorials sent to me from a very orthodox quarter from Mayavaram. They say: 'We the Brahmans do not want to lose anything of the ancient traditions The Brahmans were quite content with the physical strength needed for performing our Vedic and religious duties and saying our sandhyavandhanam, etc.' Is that an argument, Sir, against the abolition of early marriages?

"There will always be a few backward set of people who are against any change in their practices and who are worshippers of mad custom. The Government and the thoughtful amongst us can well afford to ignore them because these are the very people, Sir, who want to maintain caste, untouchability, who want to keep down women and who do not want to move with the times.

"Surely they are not the right sort of people to be consulted on such vital matters like these, which concern the health, and happiness of millions of our men and women and the good name of our country.

"In no part of the civilized world does this custom obtain; in no part of the civilized world is the female life considered so cheap. Nations that do not indulge in such customs are happier, healthier and more prosperous—are physically stronger than we are.

"While we stick to such meaningless practices in the name of religion we suffer under so many disabilities.

"We are poverty-stricken; we are disease-stricken and we are not a free nation either.

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"So, if we want to grow into a strong, robust and a self-respecting nation, if we want to reach our full physical and mental height, the system of child marriage must go, because science and experienced observation tell us that a girl becomes a woman only after the age of 16 and a boy his manhood only after 21 years.

"The remedy lies in your hands.

"Sir, on behalf of the innocent, helpless, suffering girl children of this land, on behalf of millions of child wives, child mothers and child widows, I appeal to all sections of the House, Hindus, Muhammadans, Christians, that you may whole-heartedly and unanimously support this resolution so that millions of our girls may be saved from a life of premature widowhood, premature motherhood and enforced widowhood and a robust, virile and happy race may take the place of the present generation of weaklings."

Diwan Bahadur P. KESAVA PILLAI:—"Mr. President, Sir, I have great pleasure in seconding this resolution, and I have got the greatest admiration for the lady Deputy President, who has come back here to-day and has shown so much earnestness and spoken with such eloquence for a reform so much needed in our country. Of course, my Friend, the Raja of Ramnad, will laugh. (Laughter.) He says that he thinks that old people like us should support this motion." (Laughter.)

The RAJA OF RAMNAD:—"No, no."

* Diwan Bahadur P. KESAVA PILLAI:—"You said something like 'old people.' Sir, old people are anxious, having seen young people going wrong and having had experience to advise them, and can very well advise the Council to support a motion of this kind. The hon. the Mover has spoken with knowledge and experience of the state of things in some quarters that it will be graceful to allow a lady to plead successfully for such a reform and I hope that all the gentlemen here will be chivalrous enough to support this motion."

* The RAJA OF RAMNAD:—"On a word of personal explanation, Sir. I never said a word against this motion. I have my own views in the matter. I am in the main in agreement with hon. the Mover of this resolution. But what I did say was not meant for the information of this House. Now that the hon. Member from Bellary has dragged in my name, I may say that what I did say was that old men should not marry young girls." (Laughter)

* Diwan Bahadur P. KESAVA PILLAI:—"As though young people can marry half a dozen girls."

* The hon. the PRESIDENT:—"Order, order. The question is

"This Council recommends to the Government that they may be pleased to communicate to the Government of India that in the opinion of this Council legislation raising the marriageable age of boys and girls to at least 21 and 16 years, respectively, is necessary."

* Mr. S. ARPUDASWAMI UDAYAR:—"Mr. President, Sir, I move that the second part of my amendment, namely, that 14 be substituted for 16 years. I have listened carefully to the arguments advanced by the hon. the Mover of this resolution. I do admit that not only among the members of the Brahman and the Vaisya communities, but even among the . . ."

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* The hon. the PRESIDENT :—" Order, order. According to the amendment which is in my hands, the hon. Member wanted to substitute 16 and 14 for 21 and 16 respectively. Has he changed his mind since ? "

* Mr. S. ARPUDASWAMI UDAYAR :—" Sir, I move the latter half of the amendment, namely, 14."

* The hon. the PRESIDENT :—" Not the 16 ? The hon. Member has not intimated to me or the House his intention to do so. The hon. Member is not in order."

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* Mr. S. ARPUDASWAMI UDAYAR :—" May I move the original motion, Sir ? "

* The hon. the PRESIDENT :—" No, I cannot allow that. The hon. Member has lost his chance.

" The resolution is now for the consideration of the House."

* Mr. R. NAGAN GOWDA :—" Mr. President, Sir, in supporting the resolution moved by Dr. (Mrs.) Muthulakshmi Reddi, I wish to say just a few words. Sir, it is the common custom among a great many communities in this country, especially in communities that are not considered as socially high, to have marriages consummated at a much older age than among the highly placed castes. But nowadays even among these communities which are in a lower social scale the custom of early marriages is being practised. This is one of the things which the backward and the depressed classes people are learning from the higher classes. Sir, if not for anything else, at least for preventing this bad habit of child marriages creeping into the lower classes of the Hindu community, this resolution ought to be passed and the Government should raise the age of marriage to 21 and 16 years respectively. Among the Kurabars, the Boers and the Naicks, it is very common for girls to be married at 15, 16 and even 18 years of age.

" Sir, one of the evils that child marriage brings about is that there is no opportunity given to the girl to choose her own husband. A girl probably of 8, 10 or 12 years of age cannot say exactly what she thinks of her husband. If she only had known that she had a choice, probably in a great many cases, the girl would not have married the particular man at all. I have known of many cases where old men of 40 and 45 years of age and more have married young girls of 10, 12 and 15 years of age. I believe, Sir, the Raja of Ramnad was quite correct when he said that the cruelty against these girl brides is committed mostly by old people. Again, Sir, I wish to state that if the girls are a little bit grown up, they would know what kind of husbands to marry. As it is nowadays in a large number of cases girls are married to worthless fellows who are incapable of earning ; and in a very large number of cases, women have to work and earn for their husbands and the husbands only sit and enjoy.

" Sir, it has been said again and again by the orthodox people who are against raising the age of marriage that immorality creeps in. I want to say and say with all the power of expression that I can command that it is a falsehood. In the lower communities of the Hindu society, marriages, as I said before, take place at a very late age, and nothing happens. Besides, in these communities, unmarried girls and boys go and work in the fields together and nothing happens there. This custom is almost similar to the custom of co-education prevailing in foreign countries where there is no question of immorality coming in. The same thing is happening here as in

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other countries where boys and girls, not always married, go and work together in the fields all the day long and go back to their houses together without ever a word being said against their morality.

"I am reminded that even among the Nadar community this bad habit of marrying boys and girls when young is creeping in. I therefore hope that hon. Members will pass this resolution and thus raise the age of marriage of their daughters and sisters. Sir, for these reasons, I have great pleasure in supporting the resolution brought forward by Dr. Muthulakshmi Reddi."

Rao Bahadur Sir A. P. PATRO :—"Sir, this resolution reads :

'This Council recommends to the Government that they may be pleased to communicate to the Government of India that in the opinion of this Council legislation raising the marriageable age of boys and girls to at least 21 and 16 years, respectively, is necessary.'

"Sir, the matter of the marriageable age of boys and girls is a matter left to society and is regulated by custom. We are now asking the Government to pass legislation or to support legislation in the matter of placing restrictions with regard to certain social customs. The hon. Mover has placed before us pitiable cases of child widows and girl wives. We all realize the great misery, and the suffering of these young people; but at the same time we shall not be governed by emotion only in asking the Government to interfere in the matter of our social customs. Where shall we draw the line? Is it not to be left to society to advocate reform, to create public opinion in such manner as to alter the old customs to make room for the new? If we are to ask the Government to introduce legislation in the matter of one custom to-day, we will be giving room for the introduction of another similar legislation some time hence. Therefore, where society is governed by customs and by usage, is it right that we should ask the Government to adopt legislation? If legislation comes from the people themselves, then it will be for the Government to see what the public opinion is in the matter. Now, this matter is pending before the Government of India and a Bill has been introduced in the Legislative Assembly, and we have not yet been asked to express our opinion; but we are now going to recommend to the Government of India the opinion of the House. We want social reformation. I submit that it is not for us to say that this will not be the age and that will not be the age. That should be regulated by public opinion. We have to go very closely into this custom of early marriage before we give any opinion on the question of age. Sir, there are castes in India and in the Madras Presidency which are governed by that custom where reform was effected rapidly. There are also numerous castes in India which are governed by the post-puberty marriage custom. There are only a few more castes which claim that they are governed by the custom of early marriages. Sir, ever since the social reform movement was inaugurated about thirty years ago, the agitation has been kept up by social workers and the custom of early marriages is slowly going out. Even now we find among the Brahman communities that early marriage is not the rule. It is giving room even for post-puberty marriages. I have known cases where Brahman girls were married after attaining puberty in certain families. So, the old custom under which these Brahman girls were married when they were very young is now giving room to this better custom. We have heard of cases in towns and in urban areas and in fact in all places, except in orthodox centres, of Brahman girls being married at a fairly advanced age. Therefore, it seems to me that the agitation that has been kept up by the

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social reform associations all over the country has had its beneficial effect and that the opinion is changing for a better custom. It is therefore doubtful if we should intervene now by means of legislation and fix the marriage age at a certain limit for all castes. If by legislation we fix a certain age, how are we going to enforce it? Will society easily submit itself to a penalty? This aspect of the question also is raised on the Bill introduced in the Legislative Assembly. It is not an easy matter to fix a certain age. We are all agreed that there should not be this cruel system; but still in a country which is governed by custom and which is caste-ridden and castes follow post-puberty custom is it fair that we should impose by legislation restrictions on all the castes unless the people themselves realize and combat against the evils. Therefore it is open to all those who are interested in the movement to start social reform associations, carry on agitation and create public opinion in favour of giving up those customs along with this agitation, as it will do no good to introduce any legislation. Public opinion should be freely expressed in the matter, and let us have a more convenient atmosphere for carrying legislation. Such an opinion should be created in this province and in other provinces as well, in favour of this reform. A few meetings may be held here and there and a few meetings may pass resolutions in the name of the whole country; but it is necessary that we should select some centres where this opinion is held strongly by the people and there ascertain whether they are willing to accept this. Anyhow, I think it is too precipitous to fix any particular age. What may be convenient for us, to say that 21 years or 16 years may not be so convenient in the case of the agricultural people. Therefore, to fix a particular age, say 18 or 21, is not practicable, in the present state of the Hindu society. But I may say that while I sympathize with the object of the resolution, there are difficulties in the way of carrying it out and putting it into practical execution."

* Mr. N. SIVA RAJ :—"Mr. President, Sir, I rise to support this motion and I do not think I need add one word more to what has been said by Dr. Muthulakshmi Reddi in her able and eloquent speech. I do not think any one could champion the cause of the women of India so well as Dr. Muthulakshmi has done in this Council and elsewhere. On the question of the intrinsic merits of the resolution, I am entirely in agreement with what all she said. It is more on the question of introducing legislation in the Legislative Council and in the Legislative Assembly in respect of this matter that I am rising to speak, than on any other aspect of the question. I was somewhat surprised, Sir, at the attitude of the hon. Sir A. P. Patro upon this question. I thought he was one of those who held the opinion that in this country many of the evils which are perpetrated in the name of custom could be solved and remedied by passing a social legislation. In fact, one of the chief charges that ought to be laid at the doors of the British Government is the attitude of the religious—and if I may say so—the social neutrality that they have adopted since they came to this country. If at the time legislation was introduced regarding the abolition of Sati and other horrible customs, they had introduced legislation regarding this question also, it would have been solved long long ago. And now, I am afraid, it is too late for people to come and say that Legislative Councils and Legislative Assemblies should not interfere in the matter of social legislation. On the other hand, Sir, we the members of the depressed classes, are out for social reform, and in doing so, we want to use the only instrument that is now available in

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the country, viz, the Legislative Councils and the Assembly, for the solution of these various social problems. As a matter of fact, Sir, in this country, crimes are committed in the name of custom, and some people say that custom can override law. So far as social questions are concerned, I think Government are playing a game of hide and seek.

"I think it is high time for us to recognize that custom is not a defence 1 p.m. to perpetuate an evil and therefore I say that we should put the force of law against custom. Besides I think in these matters we ought to recognize the truth that our country is slow to recognize the value of these reforms. And hence, Sir, I plead that the Legislative Assembly and Legislative Councils must give a lead to the country outside. Therefore I support this resolution heartily."

Rao Bahadur Sir A. P. PATRO:—"On a point of personal explanation, Sir, I never said that social legislation was undesirable."

* The hon. the PRESIDENT:—"The hon. Member said that this particular kind of social legislation was undesirable."

* The hon. Mr. A. Y. G. CAMPBELL:—"Sir, I have listened with great interest to the various speeches that have been made and there is no doubt that all of us have been very much impressed with the evils resulting from early marriages. The hon. the Mover of this resolution has pointed out how the evil has a depressing effect on a girl from her earliest childhood, how early consummation of her marriage undermines her own health and that of her children and what unfortunate social results it has for her if she happens to become a widow. I do not think there is any one here who has not the greatest sympathy with the object with which this resolution is moved. But the main question to my mind in this resolution is whether the best remedy for this recognized evil is by legislation or by other methods. I listened patiently for some indication as to the lines on which this proposed legislation should be undertaken and for some proof that such legislation is likely to be successful and for some statement as to the extent that such legislation which has been undertaken in the past has proved successful. But I listened in vain. There are two methods which have been at various times adopted or suggested in dealing with this question by legislation. One has been to raise the age of consummation of marriage. I suppose the House is aware it is an offence if the husband has sexual intercourse with his wife if the wife is below a certain age. That age was raised from 10 to 12 in 1891 and it was raised again in 1925 from 12 to 13. The age of 13 was arrived at in 1925 as a compromise between the various interests in the Legislative Assembly. The matter was discussed at considerable length in the Assembly but not as a party question; persons who were generally opposed to each other found themselves ranged side by side on this question. It has been already pointed out that in recent years there has been considerable progress in this matter; and statistics quoted in the Legislative Assembly by Mr. M. K. Acharya go to show that the percentage of girls whose age at the time of marriage is between 10 and 15 is fast decreasing; in Bombay the age of the girls at marriage was between 10 and 15 in 660 out of 1,000 cases in 1891 and it was 548 out of 1,000 in 1921. In Madras similar figures were 318 out of a 1,000 in 1891 and 234 in 1921. Similar figures can be quoted for Bengal and other provinces. That shows that there has been considerable progress in doing away with this evil. Can

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we say that that progress has been due to the legislation which has already been undertaken? We have recently received from the High Court statistics of the number of prosecutions and convictions under section 376 of the Indian Penal Code, which relates to rape, when the accused was the husband of the woman. The number of cases during the five years preceding the Act of 1925 was nil and the number of cases since the Act has also been nil. It is hardly to be wondered at that there were no prosecutions at all, for who will be the prosecutors? The wife or the parents or guardian of the wife should be the prosecutor, and it is improbable that a wife or her parents or guardian would launch a prosecution against the husband or the son-in-law as the case may be. Therefore I am not surprised that the result of this legislation is nil. I think, Sir, that the improvement which has taken place in this respect is due more to the social reform work which has been carried on in this Presidency and elsewhere than to legislation undertaken by the Government of India. An hon. Member referred to Sati and said that Government had by legislation stopped that social system which was a crime. Well, Sir, the suppression of Sati is a different proposition altogether; for the crime is committed openly and cannot be easily concealed and the persons involved are, besides the woman who offers herself, those who consent to and promote it.

"The other line on which legislation is suggested is indicated in the Bill which is now before the Legislative Assembly introduced by Rai Sahib Harbilas Sarda. In that Bill no marriage of a Hindu girl is valid unless she has completed her 12th year and in the case of a boy unless he has completed his 15th year. Provision is made for marriage of a girl of 11 under licence from the District Magistrate.

"Now, Sir, I have already referred to the law embodied in the Penal Code prohibiting the consummation of marriage while the wife is under the age of 13. But the hon. the Deputy President informs us that she has known of cases where consummation took place when the girl is of the age of 11 or 12. And yet as we have seen the law is powerless to stop this. I am doubtful whether this Bill if passed will be more effective than the existing law. In the first place this provision is one of Civil law. Who would be the persons to take action against those who are guilty? Only persons who are interested in the property belonging to the husband, the wife or the children. The result would be that evidence will be produced to prove that the marriage is invalid and the children are illegitimate. That seems to me to be adding to the disabilities of early marriage under which women and their children are already suffering; but I am very doubtful whether legislation of this nature will deter the parents and guardian of children from giving them in marriage while they are too young. Certainly the parents and guardians will not suffer for their actions; but it is the unfortunate girls and their offspring that will really suffer. This legislation instead of bringing punishment to the real offenders will affect the objects of the offence in committing which they had no part or lot. For these reasons I am very doubtful whether any legislation can be undertaken which will be really effective in remedying the evils. And it is on these grounds that I have to oppose this motion. But let it not be understood that I oppose it out of want of sympathy on my part with the object in view. I trust that Dr. Muthulakshmi Reddi and her friends will carry on that propaganda for reform on these lines outside the legislature. I am quite

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sure that her efforts will be crowned with success and the reform will improve the health, prosperity and happiness of the people."

* Dr. (Mrs.) S. MUTHULAKSHMI REDDI :—" Mr. President, Sir, as for the question of social legislation Government have been enacting measures to put down certain evil social customs, e.g., Sati and Infanticide and have also passed Acts like the Widow Remarriage Act, Civil Marriage Act, etc. Therefore the question before the House is not whether the Government can undertake legislation of this kind or not, which question has been already settled once for all by the Legislative Assembly. Hon. Members may know that hon Harbilas Sarda's Bill has been introduced, discussed and referred to the Select Committee, which has submitted its report fixing the age for boys and girls at 18 and 14, respectively.

" Now I am simply requesting this Council to communicate their views on this very vital matter through this local Government to the Central Government. So, Sir, we need not discuss the preliminary question whether it is wise on our part to ask Government to undertake social legislation.

" The hon. Law Member says that Sati was a more serious evil and so Government could not but put it down with a firm hand—but my answer is that in my opinion and the opinion of the leaders of our society child marriage is a much more serious crime because, Sir, the practice of Sati involved only a few minutes suffering, while by this custom of child marriage the girl-child from the moment of her birth to her death undergoes one continuous life-long suffering as child-wife, child-mother and very often as a child-widow. So this is a very urgent and a very important measure from the national point of view as it concerns the health and happiness of millions of our girls and the welfare of the future race. If Widow Remarriage Act had not been enacted even the few widow remarriages could not have taken place. I may point out also to the House that a number of Native States as Baroda, Bharatpur, Kashmir, Kotah, Gondol and Rajkot have given us the lead in this matter having already enacted laws prohibiting early marriages in their State. The progressive countries in the world as Turkey, Egypt and Japan have not hesitated to enact laws to put down such pernicious social customs. When such is the case, I cannot understand why the Government should hesitate to give us the law that we need so much—a Government too that has seen the good effect of adult marriage in their country.

" Every social evil in this blessed country goes in the name of religion. What is custom after all? If any practice is observed for a few years owing to the exigencies of the times it becomes sanctified as a custom. So, let not the Government be frightened into inaction by the cry that religion is in danger. I may submit, here, that the society has derived no benefit at all from the age of consent Bill, because, Sir, as the Hindu law allows polygamy, the parent of the girl dare not refuse to send the girl to her husband's house when he demands her for fear that the boy may be remarried.

" As for social reform work and the education of the public we have been doing educative propaganda work all these fifty or sixty years and still the progress is very little. I have now figures on hand to show that early marriages are rather on the increase throughout India. If the Government could ask us to wait till every parent is educated, I am afraid, we will have to wait till Doomsday, because I know that those very same gentlemen

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who preach against early marriage on the platform on return home forget all about it and practise early marriage in their own family.

1-15
p.m.

"So, Sir, preaching is one thing and practice is quite a different thing. The Government must understand that very often good laws have to be framed to educate the community. Have not the Government framed many health and sanitary laws in the interest of the community which necessarily must interfere with time-honoured habits and customs of the people. This marriage law is a very important health measure and it will save millions of our girls from unnecessary suffering, preventible disease and death. As a medical woman it has been my illfortune to witness with my own eyes much suffering and hardship resulting from the evil custom. Therefore I will most respectfully request the Government Members, in case they are not prepared to vote in favour of this resolution, at least to keep neutral leaving it to our Indian Members to settle this important question. I will once more appeal to the fathers and brothers who are here to cast their vote in favour of this resolution and thus save their daughters and sisters from the tragedy of child-wifhood, child-motherhood and enforced child-widowhood."

* The hon. Mr. T. B. MOIR :—"Mr. President, Sir, I have very little to add to what the hon. the Law Member has said on this matter, at any rate as to the attitude of the Reserved half of the Government towards this resolution. Our great difficulty is really this. During the course of this debate we have been discussing two entirely separate issues. This question of the legal age for marriage raises two issues; one is the economic issue and the other is the physiological issue. Now as matters stand at present I think I am right in saying that there is no statutory provision as to the age at which a boy or a man may marry. In the case of the other sex the statutory age is at present fixed at 13. The resolution which we are discussing is that in the case of boys that age should be fixed at 21 and in the case of girls at 16. I think it is a great pity that owing to a tactical mistake on his part the amendment tabled by Mr. Arpudaswami Udayar did not come up before the House for discussion. If the ages which he proposed, i.e., 16 and 14 respectively were considered, I venture to submit that the argument by which that resolution would be commended to the House would lie on an entirely different plane from those arguments which can be used in defence of the ages of 21 and 16. I do not think that it would be argued that purely on physiological grounds in this country, or in any other country in the world we should set the age limit of 21 in the case of men; and it seems to me that in their case the proposal would have been supported and as a matter of fact, has mainly been supported on the economic ground. I do not deny the force of that argument. For my part it seems to me that it is a depressing thing that in this country many young men who are still at college and preparing themselves for a future career of profession should be hampered and distracted by the cares of family life. But that does not seem to me an argument in the least degree parallel to those arguments which our Deputy President has brought forward regarding early marriages, the kind of early marriages which we always have in mind when using the term and to which she referred when she was dealing with the question. And in making any recommendations to the Government of India at any rate as respects this age limit in the case of boys or men, it would be exceedingly difficult for this Government to convey to the Government of India what the

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exact argument were on which this far-reaching proposal was based. It does not seem to me that that argument goes beyond the economic sphere. I do not think we could possibly recommend to the Government of India that they should by legislation declare that no man in this country shall contract marriage until he has reached the age of 21, simply because in our opinion marriage before that age does in many cases as I have said, seem to us to bring unhappy, and in some cases, disastrous results on the future careers of young men. That is why I regret that it was not possible for the amendment tabled by Mr. Arpudasmami Udayar fixing the ages at 16 and 14 to be debated; because as it is we have nothing before us but the original resolution recommending the ages of 16 and 21. Now it may be said that in the case of girls when we are dealing with the age of 16, we are approaching more nearly to the physiological argument, that is to say, the argument based on the ground that marriage before a certain age, say 16, is detrimental not only to the health of young women but also detrimental to the health of their children and thereby to the health of the race and of future generations. My difficulty in dealing with this point is this, that although I have been present at debates on this very subject in the Assembly, the argument that from that point the age restriction should be 16 was never examined. As regards an earlier age, 13, when legislation to that effect was before the Assembly, the medical argument, the argument based on physiological and kindred considerations was exhaustively considered. But I am quite unable to say what answer the doctors would give or what their opinion would be if a proposal to raise the age to 16 were now put forward. It does seem to me that whereas the real intention of the mover of this resolution was to discuss the physiological argument and the case for any legislative measure that might be undertaken with reference to that physiological argument, owing to the fact that no amendments to the ages set down in the original resolution have been before the House for discussion the debate has fallen almost entirely into the economic grounds. With reference to this ground I do not think that we would possibly suggest to the Government of India that on economic grounds they should introduce legislation of this kind.

"As regards the other and far more important argument I do not think there is any Member of this House who could have listened to the eloquent statement of the case for her sex made by the Deputy President without sympathy. But in these matters we have to be practical and to consider the storm of opposition that was raised by the proposal to raise the age to 13 and the immense difficulties with which that slight advance was carried—I know well that the strongest opposition in the Assembly was offered by Members of that Assembly who hailed from the Madras Presidency. If it had been a question of further advance on the same lines as before then it is possible that our attitude might be changed; because then we shall be really be dealing with something that is of practical importance and might have practical effect. I believe that before the Government of India now there are proposals for legislation for making a further advance and that that further advance proposed is on the same lines as the previous advance. But it seems to me that the proposal now before the House cuts adrift from the line of advance which has hitherto been followed before, that it is not merely an advance, but a revolution based entirely on different arguments. Perhaps I might add that we, at any rate those belonging to a different race, do feel

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the greatest difficulty in dealing with a matter of this kind. Because, after all, while it is open to us—I am not referring to the proposal now before the House but to the Deputy President's speech—to say that these things ought not to be, the final decision does not rest with us to say that these things shall not be. It is for the communities which are intimately concerned with this question to say that these things shall not be. It may be that if some practical proposal on existing lines of advance were put before the House, we might have to say 'Well, here are many Members of this House who appeal to us for our aid in this matter, and we must seriously consider whether we shall give it.' That would be because we were considering some real practical proposals, something that had some chance of acceptance under the present social conditions in this country. Does any Member of this House think that if legislation to the effect that no boy shall marry before the age of 21, no girl before the age of 16, were put forward either here or in the Central Legislature to which such questions really belong, it would have any chance of acceptance?

1-30
p.m.

"Personally I can only regret that by the turn which this debate has taken we have really lost an opportunity of discussing and formulating our views by hearing arguments devoted to the real aspect of the question, arguments which would not have been confused or obscured by arguments drawn from an entirely different basis. I wish only to add that on consideration we on this bench have decided that as this is a matter of making a recommendation to the Government of India not one of legislation in this House, in which case circumstances would be different, we think that the only proper course is that such recommendation as this House desires to make on this matter should go forward as far as possible unaffected by official attitudes or views and that we ourselves do therefore propose not to take part in any division on this resolution should such a division take place."

* The hon. the PRESIDENT:—"The question is that 'this Council recommends to the Government that they may be pleased to communicate to the Government of India that in the opinion of this Council legislation raising the marriageable age of boys and girls to at least 21 and 16 years respectively, is necessary.'"

The motion was put to the House and declared carried.

* The hon. the PRESIDENT:—"The House will now adjourn and meet again at 2-30 p.m."

After Lunch (2-30 p.m.)

Diwan Bahadur M. KRISHNAN NAYAR:—"Mr. President, Sir, I do not move the following resolution standing in my name—

'This Council recommends to the Government that facilities be provided for the proper irrigation of the lands under the ayacut of the Peria eri in Agili village, Madurantakam taluk, Chingleput district, and that the orders issued in G.O. Mis. No. 157 I., dated 20th January 1928, be reconsidered for the benefit of the ryot population.'"

The following resolution which stood in the name of Mr. C. Ramasomayajulu was deemed to have been withdrawn as the hon. Member was not in his place:—

'This Council recommends to the Government that no action be taken in furtherance of resettlement in East Godavari, West

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Godavari and Kistna districts till the Land Revenue law is codified by means of a proper enactment vesting the power of settling the rates and fixing the land revenue in the Legislative Council."

The following resolution which stood in the name of K. Abdul Hye Sahib Bahadur was deemed to have been withdrawn as the hon. Member was not in his place :—

'This Council recommends to the Government that the principle of separate communal representations be extended on the analogy of the legislatures to all statutory bodies, such as the local boards, municipalities and the senates and due regard should be paid to this question at the time of amending the Local Boards Act.'

COMMITTEE TO ENQUIRE INTO THE ECONOMIC CONDITION IN
BELLARY DISTRICT

* Mr. R. NAGAN GOWDA :—"Mr. President, Sir, I wish to move the resolution that stands in my name, viz.,

'This Council recommends to the Government that a Committee be formed to enquire into the economic condition of agriculturists in Bellary district.'

"In so doing, I am particularly anxious that the condition of the agriculturists only at present be taken up for investigation in the district of Bellary. The House is aware that an enquiry into the condition of the cottage industries in the Bellary district and other districts in the Ceded districts has been ordered and that the enquiry is going on at present. . . ."

Mr. J. A. SALDANHA :—"On a point of order, Sir. I do not see the hon. Minister for Agriculture here."

* The hon. the PRESIDENT :—"I think the hon. Member is aware that this subject is one of the hon. the Revenue Member's."

* Mr. R. NAGAN GOWDA :—"It is probably—I might say certainly—well known to the Members of this House that the condition of the agriculturists as a whole in the Presidency is not very good, especially their economic condition. It is a fact that the agriculturists are the one class of people who have to fight against more odds than any other section of people. This is true even in other parts of the world where conditions are much more favourable to them than they are in India. It is then no wonder that the agriculturists in the district of Bellary along with their fellow-workers in the Ceded districts are not solvent. It is a sad fact that the agriculturists do not make both ends meet.

"There are three groups of people who are involved in this occupation, firstly, landlords, secondly the owner-cultivators and thirdly tenant-cultivators. I may add also a fourth group of people, viz., the agricultural workers. I would not be saying anything surprising to this House when I state that three out of these four groups of people are most of the time insolvent. The cultivators whether they be owner-cultivators or tenant-cultivators are to a great extent indebted to sowcars. The labourers if they are not indebted much—to my knowledge they are—are almost economic slaves in one sense or other. This condition is the most regrettable when we consider

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the fact that the producers of wealth in this country are mostly agriculturists. That being so, these people who are in the chronic condition of having to pay large rates of interest to people who are not directly interested in agriculture is a sad state of affairs and is one which is not conducive to the healthy growth of village or even town life. On account of this insolvent condition the agriculturists whether they be owner-cultivators or tenant-cultivators or agricultural labourers have to go with less food; they have to go with less clothing than is needed for decency. As a consequence of this, Sir, the agriculturists show less efficiency and undergo considerable suffering. It is on account of these existing conditions that I ask for a committee to investigate and find out exactly the condition of these people that are engaged in agricultural occupation. In this investigation I want to include first the question of the economic income of the agriculturists. Sir, it has been taken for granted that these people must be getting enough. Otherwise they ask 'Would they be interested in agricultural occupation?' It is thought that if these people are not getting enough they would get out of it. As a matter of fact it is not the case. I know personally a great many people in many villages I am acquainted with in Bellary district are in agricultural occupation simply because they have got nothing else to turn to. They are there because they are forced to. That is the only means by which they hope to get a living. I want that the income of these agriculturists should be determined by this investigation. I also want this investigating committee to find out the proportion of their income to the investment of capital and labour in their occupation. I would like that this committee should find out the expenses which the agriculturists have to incur first for their maintenance and then for other things like the interest they have to pay on the monies they have borrowed and invested in the profession. I want also that the committee should find out the rates at which money is borrowed for agricultural occupation. Sir, it would not be surprising to the House if I said that the rate at which money is obtained for agricultural occupation is very high. It would be a revelation to the House if it knows the ratio of interest the agriculturists pay to the income they get from their occupation. . . ."

Mr. J. A. SALDANHA:—"On a point of order, Sir, there is no quorum. The hon. Member is addressing empty benches."

(The bell was rung and after some time there was quorum.)

* Mr. R. NAGAN GOWDA:—"The next thing that I would like this committee to investigate is the amount of debt the agriculturists have incurred for their occupation. It is usually said by some people that the large debts that are incurred by the agriculturists are due to the high expenditure they incur on occasions of marriages and ceremonies. There is some basis for this statement. But I think that the extent to which debts are incurred for these purposes is not as great as it is usually supposed to be. I want also that this committee should find out why the debts are incurred, whether it is because the return from the land is so small that they have to borrow money to make both ends meet or whether it is because their labour is becoming very inefficient that they cannot make a living. I should also like this committee to enquire into the question of the efforts the agriculturists are making to pay back the money borrowed.

"Now, Sir, it is supposed in some quarters and among certain sections of people that the agriculturists never make an effort to pay their dues

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back. As a matter of fact this is very far from the truth. Mr. President, Sir, as I was saying the condition of the agricultural people is not good. I want a committee to inquire into the causes for this bad economic condition of the agriculturists. The causes probably lie among these three things, viz., increase in population, increase in the number of people that are engaged in the agricultural occupation and the undue fragmentation of land. This last, Sir, is an evil that has gone too far off in some parts of the Presidency. Land has been divided to such small parts that it cannot any more support the agriculturists who are employed on it. Sir, it has been difficult, so far as I know, for the ryots to obtain enough land in one place to cultivate and get enough livelihood. Also, Sir, the bad economic condition might depend on the lack of organization among the people to pull their resources together and get as much as possible from the land and from the produce. Also, Sir, the economic conditions of the villages and the agriculturists might depend upon the climatic conditions. Whenever there has been a bad season and whenever the yield of crop is small it is claimed that there has not been enough rainfall. Climatic conditions are liable to slight changes but I do not believe that the conditions can change much in a short period. Also, Sir, the economic conditions of the villagers and the agriculturists depend a great deal on the facilities the agriculturists have to market their goods. Again, Sir, agriculture is one of the most difficult occupations and the progressive steps that have been taken in other parts of the world to improve agriculture have not been followed in this Presidency and it might be one of the reasons why the economic conditions of the ryots have gone down. For these investigations I ask that a committee should be appointed.

“ Now, Sir, Government has facilities in its hands in the department of agriculture and in the department of co-operative societies and also it could take in certain private individuals who are interested in agriculture and who know enough of the economics of agriculture to help them. I am restricting this economic investigation for the present to only one district. I could probably have in other circumstances included other districts; but, I think, Sir, first to start investigation it might be convenient to limit it to a small area. Bellary being one of the districts which has suffered considerably in the last 8 or 10 years and the condition of the agriculturists there having been very bad I have chosen this district for the investigation. I hope, Sir, that the members of the House will view this matter favourably and support it.”

* Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—“ I rise, Sir, to second this resolution. Bellary is within the famine zone of the Presidency and I think Government is aware that from the economic standpoint the condition of the ryots of Bellary is one which is most unsatisfactory. For years past Government has been intending to construct protective irrigation works in the Ceded districts and so far nothing has materialised. As I said Government does recognize that the condition of the district is something that calls for the application of remedies. But somehow it has been unable to make up its mind as to the exact nature of the remedy to be applied. We have had many investigations connected with the irrigation sources of this district and so far as I said nothing has materialised. Taking Bellary for

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instance except in the last two years when some small expenditure on irrigation works has been incurred, not a single irrigation work has been carried out. If you take Anantapur not a single irrigation work has been carried out although every year has been a famine year. Although Government is aware of the unsatisfactory condition of the districts still a regular economic enquiry might be of great use to the Government. I do not propose laying down the lines of enquiry. I suppose these things will be settled later on. An enquiry would reveal the very unsatisfactory condition of the agriculturists, particularly in the Bellary district and the results of such an enquiry might lead Government to accelerate its decisions as it is always intending to carry out large protective irrigation works but somehow it does not seem to have made up its mind. Subject to the fact that the lines of enquiry might be decided later on such an enquiry is none too late and I therefore wish to support this motion very strongly. I hope such an enquiry will be made which might help Government to make up its mind as early as possible if necessary to apply the remedies. Bellary belongs to one of the poorest districts in the Presidency and I think an enquiry like this might be of great help to Government for the construction of irrigation works."

* Mr. C. GOPALA MENON :—" Mr. President, Sir, I support this resolution. It asks for the survey of the economic condition of Bellary. Agriculturists form a large portion of the population of this country and about 70 to 75 per cent of the population depend upon that main industry—the national industry of agriculture. About 10 to 12 per cent of the population depends upon the fortunes and the chances and the fluctuations of that industry such as the cobblers, the weavers, the carpenters and the blacksmiths. Therefore a survey of the economic condition of a large portion of the people of this country is a necessary thing for the Government to undertake. The mover of the resolution has stated that the object of this survey is to find out the income per head of the agricultural population, their expenses and their indebtedness. Similar surveys have been carried out on a smaller scale in the past and if I remember right and if some of the members bear testimony to my recollection I refer to the fact that the hon. Sir A. P. Patro who carried out an economic survey under the auspices of the Madras Economic Association some years ago when Sir Harold Stuart was the President of that institution. Later on Dr. Slater, when he was the University Professor, carried out different surveys of this nature and I believe some of the research students of the Madras University are doing work in their own sphere in finding out the economic condition of certain villages here and there. You have got these non-official agencies, I mean such students to carry on this research work if the Government will take up the initiative. It may be difficult to carry out this survey in the Presidency as a whole and therefore I would suggest that the Presidency be divided into units a number of villages or a *firka* in order that we might have a correct view of the condition of the population of that particular area. Now, the hon. Mover also referred that he would like to go into the question of fragmentation of lands which is rapidly taking place in this Presidency. I think that by legislation this fragmentation of land has been put a stop to in the Punjab and Bombay is taking steps to prevent fragmentation of land. This fragmentation of land is doing immense injury to the ryot in this Presidency and the subject

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was very thoroughly scrutinized when the Indian Taxation Enquiry Committee took evidence all over the country and it will be helpful if the Government intend to carry out survey work into the question also and see how far fragmentation of land could be prevented. With these remarks I wish to support this resolution."

* Mr. J. A. SALDANHA :—" In supporting this motion I would draw the attention of the apathy of this House in a matter of such importance. I think this is a subject which requires very careful consideration on the part of all sections of the House. I am surprised to find also that the hon. Minister for Development . . ."

* The hon. the PRESIDENT :—" The hon. Member will be quite in order if he were to explain why while still being a member of his party he is taking part this evening. He cannot accuse others for non-attendance. That would not be pertinent to the debate."

* Mr. J. A. SALDANHA :—" I am sorry they are absenting themselves on occasions like this for reasons well known. I am here because I ought to be here. I wonder why the tactics of my party are followed by other sections of the House. I would invite attention to the want of a quorum which I had to point out when there was hardly fifteen members present. It is not at all to the credit of the House that it should be so. There is some reason at least for my party people to be absent but there is no reason whatever for the other hon. Members. I am not going into the merits of the reason in which I do not agree myself. (Laughter.)

" Therefore, coming to the subject, it is very strange that the Minister for Agriculture and Development is also absent. He has practically abdicated his position, in connexion with this subject. This subject of economic condition of the people of the Bellary and other districts and the development of cottage industries was brought forward in this House by the late Development Minister, Mr. Ranganatha Mudaliyar. I do not know why his successor should abdicate his interest in this subject. It may be considered that economic enquiry is a reserved subject. I think it is a transferred subject as this is a subject which deals with the development of agricultural industry. Since agriculture is a transferred subject, any enquiry into the condition of the agricultural population should be also a transferred subject. I know that the present Ministry is abdicating its functions in connexion with excise and some other subjects, and I shall not be surprised if the Minister for Development is going to abdicate his connexion with this subject on some excuse or another."

* The hon. the PRESIDENT :—" Let the hon. Member come to the subject." (Laughter.)

* Mr. J. A. SALDANHA :—" Bellary is a district which is subject to all sorts of evils. It is within the famine zone, and the difficulty of getting water is very great, and the life of the agriculturist there is very miserable. The mover of the motion has vividly described the condition of the agricultural population. But I would point out some remedies or rather causes for this wretched state of things and suggest some remedies. I have found in Kanara the same state of things as exist in the Bellary district. When agricultural officers go to a village to introduce some improvements in agriculture, the difficulty is the tenants are not interested in the improvement."

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* The hon. the PRESIDENT :—"The hon. Member is going far away from the subject."

* Mr. J. A. SALDANHA :—"One cause is the uncertainty of tenure. This is a very important point. The deplorable condition of the agricultural population is due to this. I am entitled to find out I am sure that they cannot succeed in introducing improvements, for this reason. The tenant thinks that if he makes any improvement he will be mulcted of the additional income that he may get by such improvements. The landlord on the other hand, if he is approached says 'What do I care, I get my rent and I don't care whether the tenant introduces improvements or not. This conflict of interest between the landlord and tenant on the mulganni tenure. . . .'"

* The hon. the PRESIDENT :—"I am afraid there is no mulganni tenure here."

* Mr. J. A. SALDANHA :—"Between the landlord and the permanent tenant and the tenant at will. This conflict of interests is one of the causes of the poor condition of the agriculturists in this Presidency. I am treading on a somewhat dangerous ground. (Laughter.) If I am to suggest a remedy which I once . . ."

* The hon. the PRESIDENT :—"We are not now enquiring as to the remedies. We are only on the necessity for appointing a committee."

* Mr. J. A. SALDANHA :—"The point for consideration is whether one of the points for enquiry should not be to establish a fixity of tenure among cultivators in this Presidency. Of course, the representatives of the janmi classes will jump with joy at this proposal."

* The hon. the PRESIDENT :—"I am sorry the hon. Member is going far away from the motion before the House. I request the hon. Member to confine his remarks to the necessity for the appointment of a committee to enquire into the economic conditions in the Bellary district."

* Mr. J. A. SALDANHA :—"I support the appointment of the committee. One of the points for consideration might be whether introducing fixity of tenure among tenant classes would not be conducive to the welfare of the agriculturist in Bellary as well as in other districts."

* Rao Bahadur Sir A. P. PATRO :—"Sir, Bellary has of late been figuring prominently in this House—Bellary for the purpose of cottage industries, Bellary for the purpose of water-supply, and now Bellary for the purpose of enquiring into its economic conditions. Bellary need not be the only one marked for it and there are other districts in the Presidency whose economic conditions are equally bad. The reasons given for the selection of Bellary are first the economic distress prevailing amongst ryots, agricultural indebtedness, and the second reason given by the seconder is that the protective works are a crying necessity. For Ganjam, I have got the same complaint to make. Agricultural distress is very great there and Ganjam is noted as one of the very backward districts. In 1918 Government spent about 32 lakhs of rupees for famine works which were confined to one of the divisions of the district. We have been asking for more protective works for the last 30 years."

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* The hon. the PRESIDENT :—" I will request the hon. Member to take another opportunity to describe the woes of Ganjam. Let us confine ourselves to Bellary now."

* Rao Bahadur Sir A. P. PATRO :—" So, Bellary is not unique in this respect. The reasons for the necessity of the appointment of a committee are applicable throughout the Presidency. It was therefore I said that with reference to Ganjam protective works are very much more needed than in Bellary. The grievance of the ryots, their indebtedness, dearness of provisions, all these are common features of the whole Presidency.

"In regard to the appointment of a committee to inquire into agricultural conditions of the ryots, it is all good in theory. The difficulties of the committee are very many when they actually begin the investigation. The witnesses appearing before the committee cannot say what their income is from all sources nor their expenditure under different heads. It is very difficult to get accurate information from the ryots. Similarly it would be very difficult to select typical villages or divisions. Mr. Gopala Menon referred to the investigation started by me in Ganjam. We did carry on investigation, it was an uphill work and it took three years to carry on the investigation in two districts. It was not an easy matter as the ryots could not furnish the necessary data and information. Some time ago resolutions were moved in the old Council to the appointment of a committee to inquire into the economic condition. Since then there have been many non-official agencies that have been carrying on very effective investigations. We are grateful to Lord Pentland for encouraging this study and this investigation, and it is due also to Sir Harold Stuart who stimulated such enquiry in this province. These two persons will remain in the history of agricultural economics as persons who have done effective service. Through such encouragement, the University has also started an economic chair and rural economics is one of the subjects prescribed by the University. It is proper that such an enquiry or investigation should be carried only by hands of disinterested workers who will spend their time and labour amongst the people, mix with the people and understand their conditions. An official committee going throughout the Presidency will not be able to effect anything at all. Therefore, while I quite sympathise with the object of the mover of this resolution, I do not see how it can be carried out by an official committee. The Government should subsidise non-official bodies or economic associations that are now practically in various parts of the country and encourage them to carry on this work. There are books named 'The study of South Indian villages' published by Dr. Slater and I have also written a book called 'Rural economics' where all these problems are dealt with. Much valuable information is available in these books.

"There are now re-construction leagues in the air. These leagues ought really to be interested in studying the condition of the people. They could spend the necessary time and money and go to the villages and study the condition of the ryots at close quarters. The Indian ryot is very conservative. If you go and enquire into his condition he will think that you ask the information in order to increase the taxes and he will not give any information. There are difficulties in the way of the official committee, and it will not be able to do useful work. What I would suggest is that Government should subsidise private bodies and public institutions which are

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really interested in the work to carry on economic surveys of the districts in the province. It is very necessary that Government should encourage such work in all districts by competent and organized public associations."

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* The hon. Sir NORMAN MARJORIBANKS :—" Sir, I was in some doubt as to the scope of the resolution when I read it on the paper. As regards economic condition generally, there is in several books and papers of reference a considerable amount of information not only concerning the Bellary district, but other districts as well, such as in the Statistical Atlas of the Presidency, the Census Reports and the Season and Crop Reports. I gather, however, from the hon. Mover that what he has in mind is the collection of detailed information concerning the economic circumstances of the individual agriculturists. Well, enquiries with the object of eliciting reliable information on such details are notoriously a very difficult matter. The hon. Member from Ganjam has to a great extent explained the difficulties that stand in the way of such enquiries and I do not see how any committee that we might appoint would gather together, in any reasonable time, any accurate information on matters of such detail. I feel quite sure that poor as the people in Bellary are, they will probably greatly resent, and view with suspicion, any enquiry into their individual circumstances; nor do I see what advantage it would be to have the information even if we get it. Nobody for a moment denies that the economic condition of the Bellary district is very low. It is one of the poorest districts of the Presidency, with the possible exception of Anantapur and we know—it cannot be denied—that it is a matter of common knowledge that agricultural conditions are extremely precarious in that district. Scarcity and famine visit it at frequent intervals and it seems to me that our endeavour should be to take measures which would in some way alleviate these conditions which we all know, rather than to devote further energies to make enquiries to find out exactly how bad those conditions are. I do not think the appointment of this committee would in any way hasten the taking of such measures. My experience has been, and my fear in this case would be, that if we appoint this committee nothing would be done at all until its report, which would probably not be for several years. I am very loath that any such result would come about; and would much rather desire that we should devote the money and the energy, that would be spent on this committee, into pressing forward with some irrigation scheme such as has already been started, than in making enquiries to find out how poor the people are. We know their condition is quite unfavourable enough to justify the investigation of projects and schemes for ameliorating their condition without any further detailed enquiry. The hon. Mr. Arogyaswami has commented on the fact that nothing had been done for so many years. For many years, Sir, the financial circumstances of this Government were very restricted and not unnaturally when they thought they had a choice between a project that would be remunerative and a project that would be merely productive, they preferred the remunerative project in the hope that their financial circumstances would thereby be improved and enable them to spend more money on the poorer parts of the country. Now that the financial conditions are not as bad as they were, say ten years or so back, or even five years back, we are pushing forward with the investigation of irrigation projects for the benefit of the Ceded districts and particularly the Bellary district. I venture to think that the

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activity in that direction would be much more fruitful and helpful than enquiries by necessarily untrained observers into the private circumstances of the people."

* Mr. R. NAGAN GOWDA :—" Mr. President, Sir, in speaking on this resolution, the hon. Member from Ganjam laid stress on the fact that along with Bellary other districts of the Presidency also should be included. I certainly would have had no objection to include Ganjam as well as the rest of the Presidency, but for the matter of practical convenience I thought that the inclusion of only one district was necessary for, as I said at the time of moving this resolution, the results that come out of it would be such as to help investigation in Ganjam also. The point has been raised by the same hon. Member that private enquiries can be encouraged. Private enquiries can go to a certain extent but not to any great length. There are obvious difficulties in any such enquiry carried on by private members. He went on to say that a good lot of useful information has been obtained by private enquiries and in the same breath he was saying that it would be very difficult for any committee to find out exactly the economic condition of the ryots. If a private committee can get into the confidence of the ryots and get very valuable information, I should think—giving all credit to Government servants which I know they deserve—that they too will be able to get into the confidence of the ryots and get valuable information. It is the duty of the members of the Departments of Agriculture and Co-operative Societies and also of the Revenue Department to get into the confidence of the ryots and gain useful information. In this country it is true there have been bands of unselfish workers and I think these enquiries by such unselfish workers ought to be supplemented to a great extent—and that such enquiries ought to be taken in hand—by Government itself and that investigation carried on.

" It was said that no good would come out of such enquiries. I really cannot agree with the hon. the Revenue Member in that opinion. I think there are great many things that are connected with the poverty, and the causes that go to make the agriculturists poor, that are unknown to the Government and to the public even. Even the ryots themselves cannot place their fingers and say here is our trouble. Sir, a similar enquiry was conducted by the Department of Agriculture in Bombay and it was a work carried on by the Government officials and they have issued valuable reports on these enquiries. They have also in conclusion stated that the enquiries that they have been able to carry on so far has been useful, but that they would like to have it continued further to understand the real difficulties of the ryots. Sir, there are difficulties with the ryots for marketing their produce. We don't know in details the nature of the difficulties that an agriculturist has to face in his profession. Sir, we would be in a difficulty to find out exactly the reasons unless we go into the matter deeply and find out for what purposes the agriculturist borrows money—it might be social or it might be due to other reasons—and it is only by means of an enquiry that this can be found. I am glad the hon. Member has said that remedies could be applied, but I think for the remedy to be applied we should first discover the reasons. I know that such remedial measures as irrigation schemes would help a great deal, but even in areas where there are irrigation facilities as in the Hospet taluk and in Sirugappa taluk of the Bellary

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district, the conditions of the agriculturists is not any too good. The reasons why the conditions are not good is very difficult to say. I have tried to find out some of them and I must say that I have met with difficulties; and the few enquiries which any private body or members can make would not allow of making generalizations. Sir, it might be thought by Government, that it would cost much to carry on an investigation like this. So far as I can see the Government has a number of facilities in their control like the departments of Agriculture and Co-operation which they can use for carrying on this investigation."

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* Mr. A. RANGANATHA MUDALIYAR :— "Mr. President, Sir, I am sure my hon. Friend, Mr. Nagan Gowda, is very much obliged to the hon. the Revenue Member for the very helpful and kindly speech he has made on this motion. The point, Sir, if I understand aright, is that the poverty of the district is admitted, and if anything is to be done, it should be to remove the causes of the poverty that undoubtedly prevails in the district. But then, even if we know that the country is poor and the people are suffering, it requires some investigation to find out the ways and means by which that poverty can be cured. It was with a view to find out these remedies that this motion has been tabled by my hon. Friend, Mr. Nagan Gowda. No doubt, irrigation schemes would undoubtedly go a long way to remove the present poverty that is afflicting the district. But then it is not a matter unknown to the hon. the Revenue Member that the whole of the district cannot be served by any irrigation schemes he might have in view. There will still be tracts which would not be touched by any of the schemes that can be thought of and their problems would still require consideration at his hands. A survey of the sort that has been tabled would, to some extent, enable the Government to find out what particular remedies, apart from irrigation, would be needed to solve the problems in certain parts of the district. But I do not want that this question should be laboured further, Sir. I am sure now that the House is convinced that the Government are fully alive to the needs of the district and are pledged to take on hand as many schemes of irrigation as possible to alleviate the distress there. I would urge the Government to bear in mind the fact that the whole of the district cannot be served by any irrigation scheme of theirs and that they should lend sympathetic consideration to proposals which may not fall within the four corners of these schemes of the Government. For example, there are tracts which cannot be commanded by any irrigation scheme, but which can be benefited if Government would permit irrigation free of charge for certain areas by means of a pump or plant. The other day, when I was in Bombay, I found the Government had given such a concession to the people"

* The hon. the PRESIDENT :—"I am afraid we are travelling far into other subjects connected with the distress of Bellary instead of confining our remarks to the enquiry into the economic conditions of the agriculturists."

* Mr. A. RANGANATHA MUDALIYAR :—"The economic conditions being granted, I suggest that, instead of appointing a committee, the Government give concessions in the same way as the Bombay Government have done elsewhere, namely, permitting use of water free of charge by means of pumps, I think that would go a great way to relieve the problem that is

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staring us. After this discussion and the sympathetic speech made by the hon. the Revenue Member, I think that my hon. Friend, Mr. Gowda, would be well advised to withdraw the motion."

* The hon. Sir NORMAN MARJORIBANKS :--" Sir, I just wish to say a few words. The view of the Government in regard to this matter is that they will be always prepared to consider and to give effect to any practicable scheme which will work for the amelioration of the conditions of the district. Our contention is however it would be preferable to do that than to take up time in making enquiries to show how poor the people are. As regards the suggestion which the hon. Member has made about giving concessions for pumping installations, the matter has been under the consideration of the Government and we have just been working out a system which may allow such pumps to be put up for use free of charge for water for certain periods, provided that other interests are not injured by it. The details are being settled in communication with the local authorities and we may hope to announce the result soon."

* The hon. the PRESIDENT :--" I take that the House is ready for a vote on the question. The question is that this Council recommends to the Government that a committee be formed to enquire into the economic condition of agriculturists in Bellary district."

The resolution was put to the House and negatived.

APPOINTMENT OF MEDICAL PRACTITIONERS IN SCHOOLS AND COLLEGES

* Mr. A. B. SHETTY :--" Mr. President, Sir, I beg to move the following resolution which stands in my name :--

' This Council recommends to the Government that independent medical practitioners be appointed to teach physiology and hygiene and to take charge of medical inspection and physical training work in all schools and colleges maintained by Government or local bodies.'

" Sir, Government have after all recognized the usefulness of medical inspection in schools and colleges and have made it compulsory in all classes above the elementary stage. But medical inspection as it is carried on at present, is, I am afraid, rather superficial and hasty in most cases. A doctor from outside is called and he examines 15 to 20 students in an hour and I do not know from such hasty and superficial examination to what extent he can judge or understand the real physical condition of the students. His advice and directions are not followed by the parents to whom the treatment of the children is left. In these circumstances, it is a waste to spend money on medical inspection. It will not bring a sufficient return. If, on the other hand, a medical man is employed on the staff of the school or college, medical inspection can be made really thorough and effective. He can keep the boys under observation if necessary. He can repeat his inspection more than once in the year if circumstances require it and he can also give treatment and see that his directions and advice are followed. Further, Sir, the services of such a man could very well be employed for teaching physiology and hygiene. I daresay that physiology and hygiene are very useful subjects and it has been proposed by some people that they ought to

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be made compulsory. A knowledge of physiology and hygiene will any day be much more useful to young men than the study of the history of ancient Greece or Rome. One ought to know his own body and the elementary principles of hygiene before he attempts to know things which have no relation to his daily life and, if it is decided to have physiology and hygiene introduced in the curriculum of schools or colleges, a medical man would without doubt be the best qualified person to teach those subjects. Further, Sir, the services of a medical man on the staff of the school or college could be utilized for physical training work. The charge is often laid at the door of our educational institutions that they neglect the physical welfare of the students and that they pay too much attention to mere intellectual training. The hon. the Minister has, in connexion with a resolution of mine, asking for a committee of enquiry into the programme of physical education, undertaken to constitute a committee for the purpose. The physical side of education is likely to receive increasing attention in the near future. A medical man employed on the staff can very well be put in charge of this work. The Director of Public Instruction was recently asked to consider this matter and the Government have said in reply to his questions that they have no objection to the appointment of L.M.P.'s as members of the staff for purposes of medical inspection, for teaching physiology and also for taking up the duties of physical instructors. The appointment of medical men as suggested by me will also solve to some extent the unemployment problem among them and encourage medical education. So I trust the hon. the Minister will consider this matter and see his way to giving effect to the proposal contained in this resolution."

Mr. V. I. MUNISWAMI PILLAI:—"Mr. President, Sir, I have much pleasure in supporting the resolution so ably moved by my hon. Friend, Mr. Shetty. Sir, in so doing I would like to advance a few reasons as to why it is necessary that medical practitioners should be employed as whole-time officers or teachers in schools. Sir, there is a certain amount of unemployment among the medical practitioners now. I may even state that the Government are taking steps to take into their control the various dispensaries in the districts so that they may employ some of these medical practitioners there and, if this resolution were to be accepted, I think it will also reduce, to a certain extent, the unemployment among the independent medical practitioners."

"Another thing is at present in the High Schools and Colleges they are charging a medical fee for each student. Now, by appointing an independent medical practitioner into the cadre of schoolmasters, they may—I mean the educational authorities—do away with the fees now charged from the students in this connexion. At a time when the parents are laden with many taxes, to find out money for such medical fees and other things forms a further burden to the parents."

"In these circumstances, Sir, I strongly support the resolution moved by Mr. A. B. Shetty."

* The hon. the PRESIDENT:—"The question is that—"

'This Council recommends to the Government that independent medical practitioners be appointed to teach physiology and hygiene and to take charge of medical inspection and physical training work in all schools and colleges maintained by Government or local bodies.'"

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* The hon. Dr. P. SUBBARAYAN :—“ Mr. President, Sir, from what my hon. Friend, the Member from South Kanara, said, I take it that this resolution applies really to secondary schools and colleges and not to elementary schools. In the matter of secondary schools, the majority of the institutions are under private management or under the control of the local bodies. The question is whether it is possible to have a medical practitioner attached to each institution. As I said in reply to the resolution moved by my hon. Friend, Mr. A. B. Shetty, on the question of physical education and as has also been done in reply to a question put by him the other day, Government are quite willing that medical practitioners should be appointed if they are qualified as physical instructors and the Government will take into consideration for purposes of grant the employment of these medical practitioners. Then the question of teaching physiology and hygiene is a matter really for the high schools concerned and, as I have explained to my Friend, it is not all classes that can be taught physiology and hygiene, because it would be impossible to teach these two subjects unless the students are advanced enough to understand the intricacies of the subjects concerned. As a matter of fact, in the old days, under the old First in Arts Examination, physiology was one of the compulsory subjects, but, under the new system that is followed by the University, in which there has been specialization from the Intermediate Standard itself, it has not been possible to include physiology as a compulsory subject and this is a matter again for the University and not for the Government.

“ As I have said before, I am quite willing that physical instructors should be recruited from medical practitioners, if such are available, and, as I have also already said, Government will be quite willing to consider for purposes of grant the employment of these physical instructors from among the medical practitioners. But the question of making appointments of these people compulsory will not be one which will be easy to accomplish. But, as I have said to my hon. Friend, I will have this matter investigated by the Director of Public Instruction and see how far it would be possible to have these Licentiate Medical Practitioners employed as physical instructors in schools.”

Mr. A. B. SHETTY :—“ Sir, in view of the statement made by the hon. the Minister for Education, I beg to withdraw the motion.”

The motion was by leave withdrawn.

INVESTIGATION OF A SUPPLY CHANNEL TO DHONDAPADU TANK.

* Diwan Bahadur P. C. ETHIRAJULU NAYUDU :—“ Mr. President, Sir, I 3-45
rise to move my resolution that— p.m.

‘ This Council recommends to the Government that the investigation of a supply channel to Dhondapadu tank in Vinukonda taluk of Guntur district from Kondaleru scheme be taken up immediately and necessary expenditure for taking levels, etc., be sanctioned.’

“ Sir, in my district, in the Vinukonda taluk, there are five or six large tanks within six miles from the town, to the west of it, by name Dhondapadu, Koppukonda, Kanamalacheruvu, Nadigudda, Bhartipuram and Singeri tanks. Of these, Dhondapadu and Koppukonda are more or less equal in size, extent

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and importance. The Dhondapadu tank which is six miles west of Vinukonda was built by that most sympathetic officer, Sir, Tag Arundal about 25 years ago in order to divert the water that was running to waste from jungle streams by the side of this tank. Two streams called the big Kondaleru and small Kondaleru join at Palukur and after running for about five miles west of these tanks, fall into the river Gundlakama. My suggestion is to put a dam across the river Kondaleru below Gutlapalli wherefrom you can take the water into the Dhondapadu tank and thence to Koppukonda and other tanks by force of gravitation. By so doing, you will be bringing into cultivation a very large extent of land, about 4 or 5 thousand acres. I am sure the hon. the Revenue Member knows that portion of the taluk very well. That was his resort, once in a way in summer whenever he could find time to spare, while he was the Collector of the district. I am sure he knows that portion of the district much more than I can explain. If the investigation of this scheme is taken up immediately, Sir, I am sure the people of those parts will feel grateful to him. I hear, Sir, that recently the Collector has also sent a favourable report about this scheme, and I trust that the hon. the Revenue Member would find sufficient money to take up this investigation, consider whether the scheme will pay, and if so, to bring before the Council the estimate for sanction. With these few words, Sir, I commend the resolution to the acceptance of this House."

* Mr. B. RAMACHANDRA REDDI :—"Sir, I second the resolution, and in doing so, I do not propose to give more facts than my hon. Friend from Guntur has been able to give now. All that I would say is that the question of minor irrigation tanks improvement has not been finally solved; for, not very much progress has been made so far with regard to these minor irrigation tanks improvement. This is one instance which has been brought before this House for the consideration of the hon. Member for Irrigation. Out of the several schemes that are pending consideration in the whole Presidency, this is one which, as has been pointed by my hon. Friend from Guntur, seems to be a very remunerative enterprise. He does not claim to work it out only on a protective basis, but he has given facts to show that it will be a remunerative and productive one. With these few words, Sir, I second the resolution."

* The hon. the PRESIDENT :—"The question is 'that this Council recommends to the Government that the investigation of a supply channel to Dhondapadu tank in Vinukonda taluk of Guntur district from Kondaleru scheme be taken up immediately and necessary expenditure for taking levels, etc., be sanctioned'."

* The hon. Sir NORMAN MARJORIBANKS :—"Mr. President, Sir, this Dhondapadu tank together with another tank which the hon. Member referred to called the Nadigudda tank were put in order at a cost of Rs 1,30,000. They were expected to irrigate an area of 2,550 acres. After this was made, the water never rose to the level of the tank sluices there was never enough water to flow out of the sluices. So means were then investigated, to find if the supply could not in some way or other be improved. Not less than seven sites on the Kondaleru river were examined, and it was found in those sites which were nearest to the tank that there was a ridge of at least 100 feet between the site and the tanks which had to be tunnelled or crossed in some

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way; higher up where the levels were more favourable, sufficient catchment area was not commanded. So, the remedy was adopted of fitting the tank with a low level sluice, and at present, from that low level sluice, the ayacut is supplied, such ayacut as there is. It has never exceeded 500 acres at any time, and in some years it has been at low as 90 acres. The experience of this tank is not, I am sorry to say, singular; I can give the hon. Member the names of at least half a dozen tanks in this part of the country which have much the same history. A very large sum of money was spent in repairing them and in equipping them with sluices, and then it was found that the catchment area did not supply enough water. The truth of the matter seems to be that the rainfall in those parts is so precarious that it does not pay anybody to make dry land into wet land on the off-chance of getting water for growing wet crops once in five years or so. In the other years, they get enough rain for dry crops, and in such years the tank is of no use at all. It is for that reason that the Government are so chary in entering upon big tank projects in that part of the country. Satisfactory irrigation arrangements for that part of the Guntur district can only be made by some storage scheme on one of the big rivers, or by constructing an anicut thereon. In the case of this particular tank, it seems to be impracticable to find any source through which we can increase the supply except at enormous cost in the way of tunnelling, etc., a cost which will be prohibitive and, even then, may or may not yield a sufficient supply. I can assure the hon. Member that this is not a matter that has not been investigated. It has been investigated over and over again, but always with the same unfavourable result."

* Diwan Bahadur P. C. ETHIRAJULU NAYUDU:—"Sir, the hon. Mr. Marjoribanks has pointed out that this question has been considered over and over again. Quite recently too this question was gone into by the Collector of the district and when I met him last, he told me that he had sent up his recommendation for diverting a channel from about Gutlapalli and that there was a possibility of sufficient water being stored, thus bringing about more or less 5,000 acres under cultivation. The hon. the Revenue Member has told us that it would cost a good deal to divert water into these tanks in the way of tunnelling, etc. But there is no necessity for tunnelling if water is to be diverted from Gutlapalli. It is for the purpose of investigation into this question, Sir, that this resolution was brought before the Council and the hon. the Revenue Member was requested to find money for this purpose. It is certainly true, Sir, that this investigation was taken up more than once. But in all such matters, different investigating officers have different ways of bringing about a successful result. One particular officer may investigate in one way and another man in another way, and all may come to the same conclusion through by different sources. The particular plan suggested by the Collector, I understand, Sir, is a more feasible one, and in view of this I request the hon. Member to see his way to find some funds for investigating this scheme so that the long expected happy result may be brought about."

* The hon. Sir NORMAN MARJORIBANKS:—"Sir, I could not quite catch what the hon. Member said last, but if that is a new method which has been discovered, we have not yet heard of it, and as soon as we hear of it, we shall be very glad to consider it, Sir."

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Diwan Bahadur P. O. EHIRAJULU NAYUDU:—"It is that that I wanted. Sir, and in view of the hon. Member's assurances that he would consider it, I am prepared to withdraw my resolution."

The resolution was by leave withdrawn.

The House then adjourned, to re-assemble at 11 o'clock the next day.

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

APPENDIX

[Vide item IV on page 16 supra.]

BILL No. 29 OF 1927.

A Bill to amend the Malabar Wills Act, 1898.

Report of the Select Committee.

To

THE HONOURABLE THE LEGISLATIVE COUNCIL OF THE
GOVERNOR OF MADRAS.

We, the undersigned members of the Select Committee appointed to consider the Bill to amend the Malabar Wills Act, 1898 (Bill No. 29 of 1927), have the honour to submit the following report.

2. The Bill was published in the *Fort St. George Gazette* in English on the 8th November 1927 and in Malayalam and Kanarese on the 6th December 1927.

3. The Committee met on the 26th January 1928 for the consideration of the Bill.

4. The Bill is intended to apply the principles of the Muhammadan Law of Wills, to wills executed by Mappillas governed by the Marumakattayam and Aliyasantana Laws of Inheritance in respect of property which they are competent to dispose of by will. The Committee understand that this is in accordance with the sentiments of the generality of Mappillas governed by the Marumakattayam and Aliyasantana Laws and are of opinion that this consideration is decisive of the necessity for passing the Bill into law. They therefore accept the Bill. They, however, think that the Bill should take the form of an independent measure dealing with the wills of Mappillas and not the form of a Bill to amend the Malabar Wills Act. The Select Committee have accordingly made the necessary changes in drafting.

5. We recommend that the Bill be brought into effect from the 1st January 1929.

6. A copy of the Bill as amended by the Committee is appended. The Committee consider it unnecessary to republish the Bill.

MAHMUD SCHAMNAD.
J. A. SALDANHA.
M. KRISHNAN NAYAR.
T. M. MOIDOO.

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BILL No. 29 OF 1927.

(As amended by the Select Committee.)

A Bill to define the Law relating to Wills by Mappillas.

Whereas, it is expedient to define the law relating to wills executed by Mappillas governed by the Marumakattayam or the Aliyasantana Law of Inheritance, and whereas the previous sanction of the Governor-General has been obtained to the passing of this Act; it is hereby enacted as follows:—

1. This Act may be called the "Mappilla Wills Act, 1927." Short title.
2. (i) It shall come into force on the 1st January 1929. Commence-
- (ii) It extends to the whole of the Presidency of Madras. ment.
- (iii) It applies to testamentary disposition by Mappillas Extent.

governed by the Marumakattayam or the Aliyasantana Law of Inheritance in respect of property which, but for which testamentary disposition, would devolve in accordance with the provisions of the Mappilla Succession Act, 1918. Persons to whom and properties to which this Act is applicable.

3. Testamentary disposition to which this Act applies, shall be governed by the Muhammadan Law relating to wills and not by the Malabar Wills Act, 1898. Testamentary dispositions by Mappillas to be governed by this Act and not by Madras Act V of 1898.

Madras Act
V of 1891.Madras Act,
I of 1918.

வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS

